

# Tennessee School of Beauty

## Policy for a Drug and Alcohol-Free School and Workplace Program

### Drug and Alcohol Abuse Awareness/Prevention Program

Employee/Student Handbook

## **POLICY**

Tennessee School of Beauty maintains Drug and Alcohol Policies and Procedures as well as a Drug and Alcohol Abuse Awareness/Prevention Program.

## **PURPOSE**

Tennessee School of Beauty is committed to providing a school and workplace environment that ensures the safety and encourages the personal health and productivity of its employees and students. Tennessee School of Beauty recognizes that substance and/or alcohol abuse is a threat to the safety, health, and job performance of its employees and students. Tennessee School of Beauty establishes the highest standards for our employees and students, and we will strive to meet and exceed their expectations. The goal of this policy is to balance Tennessee School of Beauty's respect for individuals with the need to maintain a safe, productive, alcohol and drug-free environment. Tennessee School of Beauty has established this policy to detect and remove abusers of alcohol and controlled substances from the workplace and school environment.

The purpose of this policy is to convey to employees, students, and prospective employees and students, Tennessee School of Beauty's policy on alcohol and drug use in the workplace/school. These policies and procedures are not intended to create or alter any existing contract, written or verbal, between Tennessee School of Beauty and its employees, contractors, job applicants, students or student applicants. This policy does not change the at-will employment status of employees.

## **SCOPE**

This policy applies to all departments, all employees, all job applicants, all current students, and all student applicants. The term employee includes contracted employees. As a condition of employment, employees are required to abide by this policy. As a condition of enrollment or continued enrollment, students are required to abide by this policy.

## **WORKSPACE/SCHOOL CAMPUS DEFINITION**

In compliance with the Drug-Free Workplace Act of 1988, Tennessee School of Beauty workplace consists of the following:

1. The entire campus facility
2. Any location used for an off-site school function (field trips, competitions, hair shows, graduation, etc.)
3. Others (including off-site) as used by employees in the service of the institution in any capacity

## PROHIBITED ACTIVITIES

It is therefore the policy of Tennessee School of Beauty that the following activities are strictly prohibited during working/school hours by all employees and students, and that illegal use of drugs and/or alcohol is prohibited at any time.

It is against company policy:

1. For an employee to work or student to attend class with the presence of a controlled substance (drugs or alcohol) in his or her body, including the presence of a drug metabolite, unless legally prescribed to her or him.
2. For an employee or student to sell, use, purchase, distribute, dispense, manufacture or be in possession of a controlled substance (drugs or alcohol), including drug paraphernalia while on Tennessee School of Beauty time, conducting Tennessee School of Beauty business, on Tennessee School of Beauty property, attending class or while representing Tennessee School of Beauty on or off Tennessee School of Beauty property.
3. For an employee or student to sell, use, purchase, distribute, dispense, manufacture or be in possession of controlled substances (drugs or alcohol), including prescription medications that are controlled substances, on Tennessee School of Beauty time, business, property, or while attending class, unless the prescription medication is legally prescribed to the employee or student.
4. For an employee or student to operate any equipment while under the influence of any drug(s) or alcohol, including prescription or over the counter medications that render the employee or student incapable of safely and adequately using the equipment or performing any other job duties.
5. To consume any alcoholic beverage or alcohol containing liquid within four hours of a scheduled work or class period or assignment.
6. For any student or employee to use over-the-counter drugs in a manner not intended by the manufacturer and/or prescribed by a licensed medical professional.
7. For Tennessee School of Beauty supervisors to allow an employee to work or student to attend class if they have actual knowledge that an employee or student has violated this policy.

## **HEALTH RISKS ASSOCIATED WITH ILLICIT DRUG USE AND ALCOHOL ABUSE**

Below are summaries of the health risks and the signs and symptoms associated with illicit drug use and alcohol abuse. This is an overview and not a complete list. Each individual will experience the drug in a different way depending on individual characteristics such as body size, sex, and other physical and psychological factors. (Source of drug-related information: National Institute on Drug Abuse).

### **Terminology**

Tolerance: Development of body or tissue resistance to the effects of a chemical so that larger doses are required to reproduce the original effect.

Withdrawal: Physical or emotional signs of discomfort related to the discontinued use of a substance.

Psychological Dependence: A tendency for repeated or compulsive use of an agent because its effects are considered pleasurable or satisfying, or because it reduces undesirable feelings.

Physical Dependence: Adaptation of body tissue to the continued presence of a chemical, revealed in the form of serious, even life-threatening withdrawal symptoms. The extent of physical dependence and the severity of withdrawal vary by drug and by amount, frequency, and duration of use. While physical dependence can complicate the process of cessation of use, it is the psychological relationship with a substance that often proves more difficult to alter.

## **PROCEDURES/ACTIONS REQUIRED OF EMPLOYEES OR STUDENTS**

If an employee or student suspects that she or he has a substance abuse or alcohol problem, the employee or student is expected to contact a Tennessee School of Beauty administrator. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of disciplinary action may request approval to take unpaid time off to participate in rehabilitation or treatment programs. Any employee or student who voluntarily seeks such assistance or rehabilitation shall not be subject to disciplinary action for violation of the policy as long as the employee continues to participate satisfactorily in a counseling or rehabilitation program. The employee or student must obtain a work release from a counselor or treatment provider before returning to work or school.

Any investigation by law enforcement or conviction for controlled substance or alcohol activity may be cause for dismissal from employment or school. Failure to report any conviction for illegal drug use or alcohol misuse to Tennessee School of Beauty may result in immediate termination from employment or school attendance. The use of prescription or over-the-counter medications that may impair an employee's or student's ability to safely or adequately perform his or

her essential functions on the job must be reported to the employee's or student's supervisor. Some medication use may require reassignment or temporary leave of absence without pay/credit. Employees and students must only take medication as directed on the medication label and must heed any warnings listed on medication labels.

#### **DISCIPLINARY ACTION (STUDENTS AND/OR EMPLOYEES)**

Violations of the Tennessee School of Beauty Drug and Alcohol Abuse and Prevention Policy shall result in disciplinary action including and up to termination of employment/enrollment. Such violations may also have legal consequences. Employees and students who violate this policy by illegally selling, manufacturing, distributing or possessing controlled substances or alcohol will be terminated from employment or enrollment.

Tennessee School of Beauty reserves the right to implement random drug and alcohol testing at any time, with or without prior notice. Such testing may be implemented for use with current employees and/or students and/or prospective employees and/or prospective students. Refusal to test will result in disciplinary action up to and including termination of employment/enrollment and/or required participation in a substance abuse rehabilitation or treatment program.

#### **DRUG AND ALCOHOL PREVENTION AND IDENTIFICATION**

The following information is intended to assist you in identification of potential abuse behaviors or patterns of behavior that may indicate that you or someone else may be having difficulty with substance abuse. The following is not intended to be all encompassing, but simply to serve as a guideline.

#### **IDENTIFICATION OF ABUSIVE BEHAVIORS**

Abusive behavior varies with the user; however, in general, behaviors will manifest themselves in a person's life either socially, mentally, and/or physically. Alcohol is the most widely abused drug in the United States; however, indicators show that there are growing trends in the area of abuse of over-the-counter medications and prescription drug abuse.

Persons who are under the influence of drugs and alcohol tend to display behaviors such as certain physical symptoms including but not limited to: decreased or slow motor skills, either increased or decreased verbal interaction, verbal skill depletion, increased or decreased physical contact, loss of or increased appetite, and aggressive behavior. Additionally, persons abusing may have social or economic issues that arise due to the use and/or abuse of these substances. There are also health risk indicators that may be helpful in the identification of abusive behavior. The brain is affected heavily by drugs and alcohol; it affects the ability to think and respond quickly as well as a wide range

of skills needed to operate machinery including automobiles. People also tend to have issues with depression, paranoia, convulsions, comas, and even death can result.

Not only does the person using the substance subject him or herself to all sorts of health risks, drug and alcohol abuse can, and in many cases does, cause grief and discomfort to innocent people.

#### IDENTIFICATION OF DRUG AND/OR ALCOHOL PARAPHERNALIA

Identification of drug paraphernalia is sometimes a difficult thing. Many common household items are misused to manufacture and abuse drugs. Employees and students alike are encouraged to be observant and to report items and/or behaviors that may be an indicator of drug and alcohol use and/or abuse.

#### DEALING WITH PERSONS UNDER THE INFLUENCE

Due to the wide variety of reactions people display or manifest when under the influence, all employees/students are advised to use caution when dealing with such a person. It is recommended that direct contact with the employee/student be limited to persons in supervisory roles when there is a perceived or true need for confrontation/advising. However, documentation may be provided by person(s) with direct involvement in an incident and/or accident resulting from the use of a controlled substance or person(s) with direct knowledge of the use of or possession of controlled substances covered in this policy.

#### RESOURCES AVAILABLE

There are many resources available to persons who are having difficulty with substance (drug and/or alcohol) abuse or addiction. There are counseling facilities, rehabilitation, and treatment centers located in most major cities and/or associated with local hospitals and health clinics. The yellow pages of the local phone directory are an excellent source. Look under the heading: Drug Abuse and Addiction – Information for Treatment; or under Alcohol Abuse and Treatment. The state of Tennessee has treatment resources that may be found on the Internet at the following sites:

[www.stopaddiction.com](http://www.stopaddiction.com)  
[www.teenchallenge.com](http://www.teenchallenge.com)  
[www.findtreatment.samhsa.gov](http://www.findtreatment.samhsa.gov)  
[www.soberrecovery.com](http://www.soberrecovery.com)  
[www.midwayrehab.org](http://www.midwayrehab.org)  
[www.communityresources.net](http://www.communityresources.net)

Note: Tennessee School of Beauty does not endorse any particular treatment center or resource.

## **ALTERNATIVES TO DRUG AND ALCOHOL USE**

Tennessee School of Beauty encourages its employees and students to live healthy lifestyles that are free from the use and/or abuse of controlled substances. Many alternatives are available that allow for a more rewarding and safer life span. Some alternatives include physical activities or sports, cultural events, and volunteerism. Contact your local community organizations and schools in your area to find out about programs they offer or volunteer assistance they may need.

## **FEDERAL, STATE AND LOCAL PENALTIES – PUNISHABLE BY LAW**

The legal consequences for the illegal use, possession, sale, distribution, trafficking, and/or the manufacturing of illicit drugs or alcohol are numerous. Local, state, and federal laws exist that may be used to punish violators. Penalties can range from suspension, revocation or denial of a driver's license to 20-50 years imprisonment without benefit of parole. Property may be seized. Community services and/or restitution may be mandated.

There are a number of federal anti-drug laws that affect a number of areas in everyone's lives. Students, for example, could lose eligibility for federal financial aid and could be denied other federal benefits such as: Social Security, retirement, welfare, disability and/or veteran's benefits. In fact, it is required that all applicants for federal student aid answer drug related questions on their application. Other federal laws allow the Department of Housing and Urban Development (which provides funds to states and communities for public housing) to now have the authority to evict residents and members of their household if they are associated with a drug-related crime. Businesses can lose their ability to seek or gain federal contracts and schools can lose federal assistance for students if the company/school does not promote a drug-free environment. State or local laws are also punitive to violators and in some cases have stiffer penalties than federal laws.

## **FEDERAL DRUG CONVICTION PENALTIES ON FEDERAL FINANCIAL AID**

### **Possession of Illegal Drugs:**

- First Offense: Loss of eligibility for federal financial aid for one year from the date of conviction.
- Second Offense: Loss of eligibility for federal financial aid for two years from the date of conviction.
- Third and Subsequent Offenses: Indefinite ineligibility for federal financial aid from the date of conviction.

Federal financial aid includes:

- Federal Pell Grant
- Academic Competitiveness Grant (ACG)
- Federal Supplemental Educational Opportunity Grant (FSEOG)
- Federal Stafford Direct Loan (DL) Program
- Federal Stafford Direct Parent Loan for undergraduate student (PLUS)
- Federal Stafford Direct PLUS loans for graduate and professional degree students

For information on Federal Trafficking Penalties, please visit the following link;  
<http://www.justice.gov/dea/agency/penalties.htm>

#### TENNESSEE STATE AND LOCAL SANCTIONS REGARDING DRUG AND ALCOHOL VIOLATIONS

Under Tennessee law, the sanctions listed below are imposed for alcohol and substance abuse offenses:

- It is a Class A misdemeanor to sell or deliver alcohol to anyone under 21 years of age or to any intoxicated person. Violations can result in fines of up to \$2,500 and one year in jail.
- Illegal possession of alcohol by someone less than 21 years of age is a Class A misdemeanor with fines up to \$2,500 and 6 months in jail.
- When a violation of the above directly or indirectly results in great bodily harm or death to any person, the person in violation will be guilty of a Class 4 felony.
- It is illegal for a person under 21 to present false identification in an attempt to purchase alcohol.
- A person who falsely states in writing that he or she is at least 21 years of age when receiving alcohol from a representative, agent, or employee of an express company, common carrier, or contract carrier, or who has in his or her possession any false or fraudulent written, printed, or photo static evidence of age and identity, is guilty of a Class A misdemeanor and the person's sentence shall include, but not be limited to, the following: a fine of not less than \$500 and at least 25 hours of community service. If possible, any community service shall be performed for an alcohol abuse prevention program.
- Tennessee enforces a zero tolerance law. Persons under the age of 21 who purchase, attempt to purchase, or have any trace of alcohol in their system will lose their driving privileges. Their driver's license or instruction permit will be suspended or revoked without hearing.
- Individuals under the age of 21 can also be charged with a DUI if they

have a blood alcohol level of .08 or any illegal drugs in their system. The first DUI offense can result in a \$1,000 fine and up to one year in jail. Subsequent offenses carry more severe fines and penalties; for example the third DUI is a Class 4 felony with a minimum of six years loss of full driving privileges, imprisonment of one to three years, and fines of up to \$25,000.

- Possession of less than 2.5 grams of cannabis is a Class C misdemeanor for the first offense, with a fine of up to \$500 and/or imprisonment for up to 30 days. Possession of higher amounts of subsequent offenses can raise the charge as high as a Class 1 felony, with a fine of up to \$25,000 and imprisonment of four to fifteen years.
- Manufacture or delivery of less than 2.5 grams of cannabis can constitute a Class B misdemeanor punishable by a fine of \$1,500 and imprisonment of up to 6 months. Subsequent offenses or offenses involving higher amounts of cannabis can raise the charge to a Class X felony with fines of up to \$200,000 and imprisonment of up to 30 years.
- Possession of a controlled substance starts as a Class 4 felony with fines of up to \$25,000 and a jail sentence of 1 to 3 years. Greater amounts may increase the charge to a Class 1 felony with imprisonment of 10 to 50 years and fines of up to \$200,000.
- Those involved in the manufacture or delivery of a controlled substance may be found guilty of a Class 3 felony with a jail term of 2 to 5 years and a fine of up to \$75,000. The charge can go as high as a Class X felony with a fine of up to \$500,000 and a sentence of 6 to 30 years.

#### POLICIES REGARDING DRUG AND ALCOHOL TESTING

Tennessee School of Beauty may at any time exercise its right to implement random or uniform drug and alcohol testing, with or without prior notice. The following policies will be followed with regard to such testing:

1. The cost of drug/alcohol testing will be at the employee/student's expense if the test results are positive or if the test specimen has in anyway been adulterated.
2. A first positive test will result in disciplinary action, which includes at a minimum a temporary suspension of duties/enrollment.
3. A second positive test will result in immediate termination from Tennessee School of Beauty. Reinstatements will not be considered for a period of at least 6 months following the date the positive test results were received. The employee/student seeking reinstatement may be required to provide proof of successful completion of a rehabilitation or treatment program prior to approval. The employee/student may also be required to pass a return to duty, drug and/or alcohol test at their own expense.
4. An employee/student's third violation will result in immediate termination from employment/school and he or she will not be eligible for

re-hire/reentry.

## DRUG-TESTING CIRCUMSTANCES

Pre-Employment Procedures: Prospective employees or students may be asked to submit a drug test at Tennessee School of Beauty's designated collection facility as part of a potential job offer or as part of the acceptance/enrollment process.

Post-Accident Tests: Tennessee School of Beauty may require drug and/or alcohol testing of any employee or student involved in an on-the-job accident/injury where the following occurs:

1. A fatality
2. An injury to an employee, student, client, or other individual that requires medical attention away from the workplace or accident scene
3. Damage to company property that exceeds \$500

Post-accident testing may also be required of any individual whose actions or inaction could have reasonably contributed to the cause of the accident.

Random Testing: Unannounced random drug and/or alcohol testing may be conducted on all employees or students and will be administered by a third-party administrator. Selection for random testing will be computer generated. All employees/students will have equal chance of selection in each selection period.

Unit or Blanket Testing: Drug and/or alcohol testing of all company employees/students in one location or job category may be conducted at the discretion of Tennessee School of Beauty.

Reasonable Suspicion: Reasonable suspicion drug and/or alcohol testing will be done in cases where there is a reasonable belief by a supervisor, that an employee or student may be using a controlled substance, using alcohol while at work/school, or reporting to work/school under the influence of alcohol or a controlled substance, using prescription drugs illegally, or any other violation of company policy. Reasonable suspicion or For-Cause tests will be required when there is any of the following:

1. Observable phenomena (actual use, possession, odors, etc.)
2. Abnormal behavior or physical characteristics
3. A drug-related investigation, arrest or conviction, or an investigation of theft

Return to Duty Testing: The first drug and/or alcohol test after a policy violation, evaluation by a counselor, acceptable to Tennessee School of Beauty, and after

the counselor has determined that the employee has successfully complied with prescribed education and/or treatment. The test result must be negative before he or she can return to duty or attend class.

**Follow-up Testing:** After a violation of this policy and return to duty, an employee or student is subject to unannounced drug and/or alcohol testing. The schedule of follow-up will be determined by an independent counselor or Tennessee School of Beauty.

### **CONTESTING A TEST RESULT**

If an employee, student or applicant believes the laboratory analysis is in error, he or she will have 72 hours to request the re-analysis of the original urine specimen that was verified as positive, adulterated or substituted. Re-analysis will be on the original specimen only and must be performed by a certified laboratory. The cost of re-analysis is at the employee/student's expense. If the secondary laboratory does not detect the same controlled substance, the individual will be reimbursed the cost of re-analysis.

An employee who has a test result other than negative shall have the right to request a copy of the laboratory report from the employer in writing.

### **SPECIMEN COLLECTION PROCEDURES**

All specimen collections will be done in conformity with and in accordance with Tennessee law. All drug tests, alcohol tests and sample collection procedures shall be performed under reasonable and sanitary conditions and in such a manner as to respect the privacy of the individual being tested, as well as to prevent tampering or misidentification of the sample.

### **DEFINITIONS**

“Abuse” is the utilization of a natural and/or synthetic chemical substance(s) for non-medical reasons or in excess or outside of the prescribed recommendations. This use affects the body and its processes, the mind and nervous system, and one’s behavior.

“Actual Knowledge” means knowledge by a supervisor that an employee/student has used alcohol or controlled substances based on the supervisor’s direct observation of the individual, or an individual’s admission of alcohol or controlled substance abuse. Direct observation as used in this definition means observation of alcohol or drug use and does not include observation of behavior or physical characteristics sufficient to warrant a reasonable suspicion request.

“Adulterated” means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

“Alcohol” means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

“Alcohol Use” means to be tested by a certified breath-alcohol technician, using an approved breath testing device or an approved initial screening device. Blood and urine alcohol testing may also be used at the discretion of the employer.

“Controlled Substance or Drug” means any prescribed drug or controlled substance including those assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I, through Schedule V, as they may be revisited from time to time (21 CFR 1308), including but not limited to:

- Marijuana
- Cocaine
- Amphetamines
- Benzodiazepines
- Opiates and other Narcotics
- Phencyclidine (PCP) and other hallucinogens

“Drug Testing” or “Drug Test” means the scientific analysis for the presence of drugs or their metabolites in specimens from the human body. Analysis will include separate screening and confirmation tests.

“Employee” means any person or offices in the service of the employer for compensation.

“On Duty” means all working hours including meal or break periods, regardless of whether the employee is on Tennessee School of Beauty premises, and at any time the employee represents the Tennessee School of Beauty in any capacity, including operating company equipment or vehicles.

“Positive Alcohol Test” means test levels are at or in excess of the established parameters outlined by the testing company and approved by Tennessee School of Beauty.

“Positive Drug Test” means the drug test levels on both the screening test and the confirmation test are at or above the level recognized as positive by the U.S. Workplace Drug Testing programs, or the standard cutoff levels set by the laboratory; and the MRO has verified the test result as positive.

“Prospective Employee” means any person who has made a written or oral application to become an employee of the Tennessee School of Beauty.

“Prospective Student” means any person who has made a written or oral application to become a student of Tennessee School of Beauty.

“Reasonable Suspicion” means an articulated belief, based on recorded specific facts and observations, and reasonable inference drawn from those facts and observations, that an employee or student is in violation of a policy.

“Sample” or “Specimen” means any sample of urine, blood, breath, saliva, or hair used for drug or alcohol testing.

“Student” means any person who has been enrolled and has started any academically related activity that entitles them to course credit.

“Substituted” means a specimen with creatinine and specific gravity values that are so diminished or divergent that they are not consistent with human urine.

“Use” means to consume, sell, purchase, manufacture, distribute, be under the influence of, report to work under the influence of, or be in the possession of drugs or alcohol. The term shall also include the presence of drugs or alcohol in the body of an employee or student, including the presence as a metabolite, and the use of a prescription drug as prescribed by the authorizing health care provider.

#### **DRUG AND ALCOHOL POLICY REVIEW**

Tennessee School of Beauty conducts a policy effectiveness review of the Drug and Alcohol policy every two years. The factor used to determine the effectiveness of the policy include: number of disciplinary actions against students and employees for violations of the Drug and Alcohol policy.

#### **CONFIDENTIALITY**

All disciplinary actions, documentation including but not limited to drug and alcohol test results, will remain confidential to the extent required or allowed by law and in accordance with FERPA requirements.