

DRUG-FREE WORKPLACE

It is the Board of Education's intention to maintain a drug-free workplace. The District shall not tolerate drug abuse and/or alcohol use in the workplace. "Workplace" shall include, but not be limited to, any site on school grounds or any school premises, any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities, at school-sponsored activities, off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district, and/or any place in which an employee is working within the scope of his/her employment or duties.

No person may use, possess, sell, dispense, manufacture, or distribute alcohol or other substances, nor may use or possess drug paraphernalia, on school grounds or at school-sponsored events, except drugs as legally prescribed for the employee by a physician. The terms "alcohol and other substance(s)" shall be construed throughout this policy to refer to the use of all controlled substances and other drugs, whether or not specifically illegal, including, but not limited to, alcohol, tobacco, e-cigarettes, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes, and any synthetic version thereof (whether or not specifically illegal or labeled for human consumption), commonly referred to as "designer drugs." Designer drugs are those substances which have been designed and synthesized to mimic the intended effects and usages of, and which are chemically substantially similar to, substances controlled by federal and/or state law as exemplified above. The inappropriate use of prescription and over-the-counter drugs shall also be prohibited. The possession of tobacco products by a person over the age of twenty-one (21) other than a student would not be considered a violation of this policy.

The District shall notify all employees, employees of subcontractors, and volunteers, in writing and specify the actions the District will take against any employee or other person for violation of this policy. Violation(s) of this policy may include disciplinary measures addressed in Education Law 1711(5)(e), 3020-a, and 913, or any other provision of law.

Employees must notify the District of any criminal arrest and/or conviction for drug-related activity in the workplace no later than five (5) days after such arrest or conviction. Upon receiving notice of an arrest or conviction as described herein, the District may take one of the following actions within thirty (30) days of receiving notice with respect to any employee who is so convicted:

1. take appropriate personnel action against such employee, up to and including termination; or
2. require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health enforcement, or other appropriate agency.

The District will establish a drug/alcohol-free awareness program to inform employees about: the dangers of drug/alcohol abuse; the District's policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation, and employee assistance program; and the penalties that may be imposed upon employees for drug abuse violations. The District's drug/alcohol-free awareness program may be incorporated within the District's Employee

Assistance Program (“EAP”). The EAP will provide appropriate and confidential prevention, intervention, assessment, referral, support, and follow-up services for staff who seek assistance with alcohol and other substance use/abuse related problems, emotional problems, mental illness, and other human problems. School District staff will be informed as to the services they can receive through the EAP and encouraged to seek such help voluntarily. When an employee’s unsatisfactory performance may be the result of drugs, alcohol, or other substance abuse, the School District’s supervisory personnel will encourage employees to manage and move toward a resolution of their problems on their own with the help of the Employee Assistance Program.

The District shall publish a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace.

The Superintendent of Schools or designee shall implement related regulations which outline the requirements of the federal Drug-Free Workplace Act of 1988.

Cross Ref: 5300, Code of Conduct
8414.5, Alcohol and Drug Testing of Bus Drivers
8414.5 R, Alcohol and Drug Testing of Bus Drivers Regulation
9320 R, Drug-Free Workplace Regulation
9610, Staff Substance Abuse

Ref: Drug-Free Workplace Act (DFWA), 41 U.S.C. §§8101-8106, P.L. 100-690
Controlled Substances Act, 21 U.S.C §812
21 CFR §§1308.11-1308.15
34 CFR Part 84 (U.S. Dept. of Ed. Regulations under the DFWA)
Civil Service Law §75
Education Law §3020-a

Adoption date: July 20, 2011

Revised: November 16, 2022