

# **DRUG-FREE AND ALCOHOL-FREE WORKPLACE**

*Policy Code: 7240*

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## **I. General Statement of Policy**

It is the policy of the Scotland County Board of Education that a drug-free and alcohol-free workplace shall be maintained. This policy applies to all employees, both certificated and classified. All employees should be aware of the harmful effects and dangers of alcohol and drug use and abuse in the workplace. An employee working under the influence of alcohol or drugs:

- A. May create unsafe conditions for other employees and students;
- B. May perform unsatisfactorily and may adversely affect the performance of those who work with the employee;
- C. May negatively affect productivity; and
- D. May discredit the school system and cause disrespect for both the employee and the school system among the students and parents we serve.

## **II. Prohibited Acts**

- A. The Board prohibits the unlawful manufacture, distribution, sale, dispensing, possession, or use of any alcoholic beverage or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, and any other controlled substances as defined in schedules I through V of section 202 of the United States Controlled Substances Act, at 21 U.S.C. Section 812, and as further defined in federal regulations at 21 C.F.R. Section 1308.11 through Section 1308.15 and in the North Carolina Controlled Substances Act, G.S. 90-86 et seq. This policy shall govern and apply to the conduct of each employee at any time during which the employee is acting in the course and scope of his/her employment with the Board both on or off the property of the Board.
- B. The Board prohibits the illegal sale (or possession with the intent to sell) of alcohol and/or controlled substances at any time, either during or not during the course and scope of employment.
- C. It is the intent of the Board that work environments must be free of the presence of illegal drugs and alcohol and that employees perform their job assignments safely and efficiently without the influence of controlled substances and/or alcohol. Therefore, the word "use" as defined in this policy includes, but is not necessarily limited to:
  - 1. Drinking, inhaling, consuming, ingesting, injecting or smoking a controlled substance or alcohol while on duty; and
  - 2. "Intoxication and "under the influence shall mean that the employee shall have consumed a sufficient quantity of intoxicating beverage or

controlled substance to cause the employee to lose the normal control of his or her bodily or mental faculties, or both, to such an extent that there was an appreciable impairment of either or both of these faculties while on duty.

III. Duty to Report Violations

- A. Any school employee who is convicted of or pleads guilty, no contest or "nolo contendere" to a violation of either the federal or state Controlled Substances Acts or driving while impaired statutes shall report such conviction to his/her superior within three (3) calendar days. Failure to report as requested herein will subject the employee to dismissal for reasons of willful misconduct.
- B. It is a condition of employment and continuing employment by the Board under any federal grant that each employee shall comply with this policy and shall notify his/her supervisors of his/her conviction of violating any controlled substances act or driving while impaired statutes no later than three (3) calendar days after any such conviction, when the violation occurred in the workplace or in the scope of employment. A plea of guilty, no contest or "nolo contendere" is a conviction for the purposes of this policy and federal law. Within 10 days of receiving a notice of conviction by an employee under a federal grant, the funding agency shall be notified by the school system with respect to the drug-free violation occurring in the workplace.
- C. Employees who are aware of a fellow employee's on-the-job drug or alcohol use shall notify his/her superior(s).

IV. Penalties for Non-Compliance

- A. Any employee who violates this policy may be disciplined, up to and including dismissal, or may be required to participate in a drug or alcohol intervention or treatment program approved by the Superintendent; more specifically:
  - 1. Any employee who is convicted of or who pleads guilty, no contest or "nolo contendere" to the sale of, or the possession with intent to sell alcohol or a controlled substance in violation of federal or state law may be dismissed.
  - 2. Any employee who sells, distributes or possesses with the intent to sell or distribute a controlled substance or alcohol in the workplace may be subject to dismissal. In addition, the appropriate law enforcement agency shall be notified of the employee's alleged sale, distribution or possession with intent to sell of a controlled substance.
  - 3. Any employee who illegally possesses or uses alcohol or a controlled

substance in the workplace, first offense, shall be subject to a disciplinary action up to dismissal or a requirement that the employee participate in an alcohol or drug rehabilitation program approved by the Superintendent. In the event of a successive offense the employee shall be subject to dismissal.

V. Drug-Free Workplace Program

- A. A Drug-Free Workplace Program shall be established by the Superintendent or his designee to inform all school personnel of.
  - 1. The Board's policy on maintaining a drug free workplace;
  - 2. The dangers and harmful effects of workplace alcohol and drug use and abuse;
  - 3. The penalties that may or will be imposed for violations of the laws pertaining to controlled substances and this policy; and
  - 4. Any available drug counseling, rehabilitation, or employee assistance program.
- B. All employees will be provided written notice of this policy.

VI. Authority to Search and/or Test for Possession or Use of Drugs

- A. All applicants for employment will be asked to sign a consent form authorizing drug testing and permitting the release of the test results to those school officials who have a need to know the results. An applicant who refuses to consent to a drug test will be denied employment.
- B. Any employee of this Board may be subjected to a search of his/her locker, desk, or other school system property under his/her control in the workplace when the employee's supervisor(s) have reasonable grounds for suspecting that the employee is selling, possessing or using alcohol or a controlled substance in the workplace.
- C. The Board may demand a specimen of urine, blood, or breath from an employee on the basis of reasonable suspicion, based on objective facts and past experience. A person who fails to provide the specimen is subject to dismissal for reasons of willful misconduct. By way of example, reasonable suspicion will normally exist when there is evidence the employee is: (a) performing in an impaired manner or incapable of performing his or her assigned duties, or (b) experiencing reduced productivity for no apparent reason, or (c) experiencing an on the job accident or

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- (d) increased use of sick leave or tardiness for which there is no explanation, or  
(e) experiencing other types of behavior which would cause a prudent person to believe the employee was under the influence of drugs or alcohol, such as staggering, slurred speech, dilated pupils, fighting, sleeping on the job, or smell of alcohol on the breath.
- D. The Board endorses the Federal Highway Administration's anti-drug policy and regulations for all employees required to possess a Commercial Driver's License (CDL) as a part of their regular duties and for other safety-sensitive employees. Alcohol and other drug testing will be an integral part of the program with pre-employment, post-accident, reasonable suspicion, random, return-to-duty and follow-up testing mandated. Non-compliance with this policy or violation of these regulations may result in severe disciplinary action including suspension or dismissal.
- E. Other persons who drive vehicles owned/leased by the Scotland County Board of Education as a part of their duties will be subject to random drug testing at the discretion of the Board. Employees will be asked to sign a form consenting to random drug testing. If said employee refuses, he/she will be subject to termination.
- F. The Board may require a drug test to be performed at the time of initial contact or when medical help is sought as a result of an on the job reportable accident or injury. A person who fails to provide the specimen is subject to dismissal for reasons of willful misconduct. A reportable accident includes without limitation any on the job accident requiring medical attention beyond first aid, any on the job accident involving personal injury or substantial damage to vehicles, equipment or property, or any on the job accident which could or does provide the basis for any worker's compensation or disability claim. A result consistent with "intoxication" or being "under the influence" from a blood or other medical test conducted in a manner generally acceptable to the scientific community and consistent with applicable State and federal law, if any, shall create a rebuttable presumption of impairment from the use of alcohol or a controlled substance.
- G. The Superintendent shall, by administrative regulation, establish specific procedures for conducting the drug test authorized by this policy. These procedures shall protect the privacy of the individuals and the confidentiality of the test results and provide as accurate test results as is reasonably possible.

Ref: N.C. Gen. Stat. § 97-12; N.C. Gen. Stat. § 115C-47.

Adopted: November 13, 2007