

DRUG-FREE AND ALCOHOL-FREE WORKPLACE

Policy Code:

7240

All employees are entitled to a safe work environment which considers their welfare and best interests. The board of education recognizes that reducing drug and alcohol abuse in the workplace improves the safety, health and productivity of employees. It is the policy of the board of education that a drug-free and alcohol-free workplace must be maintained.

All employees should be aware of the following dangers associated with drug abuse in the workplace: impairment of an employee as a result of drug abuse may create unsafe working conditions for other employees; drug impairment may be a cause of unsatisfactory job performance by an employee and may adversely affect other employees; drug abuse in the workplace may negatively affect productivity; and actions of an impaired employee may discredit the school system and may result in negative public relations and distrust.

A. PROHIBITED ACTIVITIES

The board prohibits employees from engaging in the unlawful manufacture, sale, distribution, dispensing, possession, or use of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, alcohol, stimulants, synthetic cannabinoids, counterfeit substance or any other controlled substance as defined in (1) schedules I through VI of the North Carolina Controlled Substances Act or (2) schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and further defined by regulation at 21 C.F.R. 1300.01 through 1300.04. Employees must not be under the influence of alcohol or be impaired by the excessive use of prescription or nonprescription drugs at any time this policy is applicable. This policy is not violated by an individual's proper use of a drug lawfully prescribed for that individual by a licensed healthcare provider.

B. APPLICABILITY

This policy governs each employee before, during and after school hours while the employee is on any property owned or leased by the board of education; at any time during which the employee is acting in the course and scope of his or her employment with the board of education; and at any time that the employee's violation of this policy has a direct and adverse effect upon his or her job performance. This policy does not apply to an employee's consumption of alcoholic beverages that are served at a reception or other similar function that occurs outside the regular workday and that the employee is authorized or required to attend as a part of his or her employment duties.

C. REASONABLE SUSPICION TO SEARCH

An employee may be subjected to a search of his or her person or belongings or school property under the employee's control if there is reasonable suspicion that the employee has violated this policy. An employee also may be required to submit to a drug or

alcohol test when there is reasonable suspicion of drug or alcohol use by the employee in violation of this policy. Reasonable suspicion shall be based on specific, contemporaneous observations concerning the physical, behavioral, speech and/or performance indicators of drug or alcohol use. The observations must be made by a trained supervisor.

All drug and alcohol testing will be done with procedures that ensure the confidentiality and privacy interests of the employee and in accordance with law. Employees who refuse to submit to a search or a test to detect alcohol or drug use after reasonable suspicion is established may be suspended immediately pending consideration of a decision to terminate employment.

In addition, any employee, volunteer or independent contractor who operates a commercial motor vehicle in the course of duties for the board may be subject to drug testing in accordance with policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators.

The board will cover the cost of any required employee testing.

D. DUTY TO REPORT

Employees who are aware of a fellow employees' on-the-job drug and/or alcohol violation must notify their immediate supervisor and the superintendent or designee.

An employee must notify his or her supervisor in writing of any conviction under any criminal drug statute. Notification must be given no later than five business days after such conviction, in accordance with policy 7300, Staff Responsibilities. Within 10 days of receiving a notice of conviction for a violation occurring in the workplace by an employee whose position is funded in any part by a federal grant, the superintendent or designee shall notify the funding agency of the conviction. "Conviction" as used in this policy includes the entry in a court of law or military tribunal of:

1. a plea of guilty, *nolo contendere*, no contest or the equivalent;
2. a verdict or finding of guilty; or
3. a prayer for judgment continued ("PJC") or a deferred prosecution.

E. CONSEQUENCES

Violation of this policy will subject an individual to disciplinary action by the board of education that could result in non-renewal or termination of employment with the school system or the requirement that the employee participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program approved by the board of education or federal, state or local health, law enforcement or other appropriate agency. Information concerning available counseling, rehabilitation and re-entry programs will be provided to

employees.

All employees shall receive a copy of this policy.

Legal References: 21 U.S.C. 812; 41 U.S.C. 701 *et seq.*; 21 C.F.R. 1300.01–.04; G.S. 20-138.2B; 90-89 to -94; 115C-36; *O'Connor v. Ortega*, 480 U.S. 709 (1987)

Cross References: Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Staff Responsibilities (policy 7300)

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