

## SUBSTANCE FREE WORKPLACE POLICY

The School District will provide a substance-free workplace in accordance with the Drug-Free Schools and Communities Act of 1988 and Amendments of 1989 (41 USCA Section 701 Et. Seq.). In compliance with statutory requirements, the School District will:

1. Notify all District employees, in writing, that the unlawful manufacture, distribution, dispensation, possession, or use of alcohol or illegal/controlled substances is prohibited in the District's workplace and that any violation is subject to disciplinary action. Notification will be accomplished by distribution of this policy to all employees.
2. Provide a substance-free awareness program to inform employees about:
  - a. The dangers of illegal substances in the workplace;
  - b. The District's policy of maintaining a substance-free workplace;
  - c. Available substance use counseling, rehabilitation, and employee assistance and/or re-entry programs; and
  - d. The penalty/penalties that may be imposed on employees for substance use violations occurring in the workplace.
3. Notify employees that, as a condition of employment in the District, they will agree to abide by the terms of the policy, and will notify the District of any alcohol or illegal/controlled substances related statute conviction resulting from workplace conduct within five days of the conviction.
4. Set Procedures Regarding Reasonable Suspicion Testing
  - a. Whenever the District has reasonable suspicion to believe that an employee has violated any alcohol or illegal/controlled substance prohibition contained in this policy, it will require that employee to submit to an alcohol and/or illegal/controlled substance test. Any suspicion shall be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic effects of controlled substances. These observations will only be made by

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a trained District official and will be documented by that individual in a District Official's Report of Reasonable Suspicion within twenty-four (24) hours after his/her observation. Whenever possible, two (2) designated employer representatives shall concur with regards to the observations about the reasonable suspicion.

- b. All testing shall be conducted as soon as possible after the determination to test has been made. If the employee needs to be transported to the collection site, it will be by a District official. Appropriate measures will be taken to transport the employee home after the test has been taken to ensure the safety of the employee and the general public. Such measures may include but are not limited to calling a family member, calling a taxi, or driving him/ her home.

5. Establish the grounds for disciplinary action:

- a. Working under the influence of alcohol or illegal/controlled substances, no matter where consumed;
- b. Having an unsealed container of alcohol, or consuming alcohol on school property. (Any employee who finds any type of container of alcohol on school property should report it to the administration as soon as possible.);
- c. Possessing or distributing alcohol or illegal/controlled substances on school property; and
- d. Consuming, possessing, or distributing alcohol or illegal/controlled drugs at official\* school functions not on school property.

\*An official school function is defined as one that is authorized and conducted by the school with school officials present, in charge, and on duty, such as, but not limited to:

- a. Interscholastic athletic contests;
- b. Field trips; and
- c. School dances.

6. Alert the local law enforcement agency of suspected violations of the policy.

7. Take any of the following disciplinary actions (either alone or in combination) regarding an employee who is in violation of the policy:

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- a. Suspension;
  - b. Termination of employment; and
  - c. Satisfactory participation in a substance abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health or law enforcement, or other appropriate agency.
8. Make a good faith effort to continue to maintain a substance-free workplace through implementation of all the provisions of this policy. In so doing, the District will conduct a biennial review of its programs to determine their effectiveness and to ensure that the disciplinary sanctions are consistently enforced and changes are implemented, if needed.

**Legal References**

*RSA 193-B, Drug Free School Zones*

*41 USCA Section 701, Drug-Free Schools workplace requirements for Federal grant recipients*

*Public law 101-226, Drug-Free Schools and Communities Act Amendments of 1989*

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