

Madeira City Schools Bylaws & Policies

3122.01 - DRUG-FREE WORKPLACE

The Board of Education believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which is not tainted by the use or evidence of use of any controlled substance.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, and any drug paraphernalia as the term is defined by law, by any member of the District's professional staff at any time while on District property or while involved in any District-related activity or event at which students are under the jurisdiction of District authority. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District guidelines.

41 U.S.C. 701 et seq., Drug-Free Workplace Act of 1988
20 U.S.C. 3224A

Adopted 11/19/07

Madeira City School District

Administrative Guidelines

3122.01 - DRUG-FREE WORKPLACE

Purpose

The purpose of the Board's Drug-Free Workplace Program is to institute and maintain a program for achieving the objective of a drug-free work force and to provide a workplace that is free from the illegal and improper manufacture, distribution, dispensing, possession, sale, and use of alcohol and controlled substances.

All employees are expected to read and understand this Policy/Administrative Guideline. Participation in this program by all employees as prescribed is mandatory.

Definitions

For purposes of this policy and the guidelines associated with the policy, the following definitions shall apply.

- A. The term *illegal drug* means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and local laws and regulations.
- B. The term *controlled substance* includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.
- C. The term *controlled substance abuse* includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.
- D. The term *safety-sensitive function* includes all tasks associated with the operation and maintenance of Board-owned vehicles and/or equipment or as defined by the District.
- E. The term *safety-sensitive employee* means all regular and substitute bus drivers, employees who are required to hold a CDL license as a condition of employment, other staff members who may drive students in Board-owned vehicles or employees who inspect, repair, and maintain Board-owned vehicles.
- F. The term *while on duty* means all time from the time the District employee begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

RULES RELATED TO THE DRUG-FREE WORKPLACE PROGRAM

All District employees are expected to abide by Board policies related to alcohol and drug use in the workplace (see also, Board Policy [3170](#) and AG [3170A](#)). Any violation of the Board's policies will lead to disciplinary action, up to and including termination.

POSSESSION/USE/SALE/DISTRIBUTION

No District employee shall possess, use, sell, or distribute alcohol or engage in illegal possession, use, sale, or distribution of drugs while on duty, operating a Board-owned and/or operated ("Board-owned") vehicle, or performing a safety-sensitive function.

PRE-DUTY USE

No District employee shall either perform safety-sensitive functions or operate a Board-owned vehicle after using alcohol and shall not be currently involved in illegal use of drugs.

CONTROLLED SUBSTANCES USE

No District employee shall report for duty or remain on duty when the District employee uses any controlled substance, except when the use is prescribed by a physician who has advised the District employee that the controlled substance does not adversely effect the District employee's ability to safely perform the functions and duties of their employment assignment, operate a Board-owned vehicle or perform safety-related functions.

AUTHORIZED USE OF PRESCRIBED MEDICINE

A District employee undergoing prescribed medical treatment with any drug or controlled substance that may impair his/her physical or mental ability should report this treatment to the Superintendent (District Coordinator) who will determine whether the Board shall temporarily change the staff member's job assignment during the period of treatment.

INDICTMENTS OR CONVICTIONS FOR DRUG OR ALCOHOL USE

Discipline may be imposed if a District employee:

- A. is indicted or convicted under any criminal drug statute for a violation occurring in the workplace or outside the workplace; or
- B. fails to notify the Board of any indictment or conviction under any criminal drug statute within five (5) days of the event.

CONSEQUENCES FOR VIOLATION OF THE DRUG-FREE WORKPLACE POLICY

In addition to any disciplinary action, the Board may refer the District employee to a treatment or counseling program for illegal drug use or controlled-substance abuse. Appropriate Board representatives shall determine whether a District employee, referred for illegal drug use or controlled-substance abuse treatment or counseling, shall be reassigned to another available position.

CONFIDENTIALITY

All records of drug/alcohol testing will be stored separately and apart from the employee's general personnel documents with access limited to designated District officials. The information contained in these files will be used only to administer this Policy properly and to provide to certifying agencies for review as required by law. Those designated District officials that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records.

EMPLOYEE ASSISTANCE

The Board is willing to help employees who have alcohol and substance abuse problems and encourages such employees to voluntarily seek assistance prior to testing. To that end, employee assistance is available for employees and their families through a list of resources available through the Superintendent (District Coordinator) (see also, AG 3170B).

REBUTTABLE PRESUMPTION – WORKPLACE INJURIES

Should an employee sustain a workplace injury while s/he is under the influence of alcohol or a controlled substance not prescribed by his/her physician, s/he may be disqualified for compensation and benefits under the Worker's Compensation Act. Should the employee test positive for alcohol or a controlled substance in an amount that exceeds the limits allowed under law or refuse to submit to a test for alcohol and/or other drugs after being given notice that such a refusal could affect the employee's eligibility to receive worker's compensation benefits, the employee may dispute or prove untrue the presumption or belief that alcohol and/or other drugs are the proximate cause of injury (i.e., rebuttable presumption).