

Descriptor Term:
DRUG-FREE WORKPLACE

Descriptor Code:
7.4874

Legal References: G.S. 115C-47; 21 U.S.C. 812; 41 U.S.C. 701 et seq.

Cross References:

All employees shall have the right to a workplace which is free of alcohol and other drugs. In order to assure a Drug-Free Workplace, the Catawba County Board of Education hereby establishes the following provisions in accordance with the Drug-Free Workplace Act of 1988.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance by an employee of the Catawba County Schools while in any school building, on any school premises, on any school bus, or off the school premises at any school activity, function or event is prohibited (Chapters 18A and 90 of the North Carolina General Statutes). An employee who violates this provision at the workplace is subject to disciplinary action up to and including dismissal.

The Catawba County Board of Education hereby establishes a drug prevention program to inform employees regarding:

1. Mandatory standards of conduct that clearly prohibit the unlawful possession, use or distribution of any controlled substance on school premises or as part of any of the school's activities and the use of over-the-counter and prescription drugs when impairment on the job occurs.
2. A description of the disciplinary sanctions up to and including termination of employment and referral for prosecution or assistance through the Employee Assistance Program (EAP) which will be imposed on employees who violate the standards of conduct.
3. Information about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to employees.

All employees will be provided written notice of the Catawba County Board of Education's policy establishing a Drug-Free Workplace. Acknowledgement of receipt of this written notice and written agreement of the employee to abide by the terms of the written notice shall be maintained on each employee.

SECTION I: ALCOHOL AND DRUG ABUSE AS A PERSONAL PROBLEM

The Board of Education recognizes that alcohol and other drug abuse can affect an employee's personal and family life, and can contribute to problems on the job. Without appropriate intervention an employee presents a problem not only to himself or herself but to his or her family and to the employer as well. It is also recognized that alcohol and drug abuse are treatable illnesses.

The Board has a strong commitment to assist any employee who voluntarily asks for help. A channel of help has been provided through the Employee Assistance Program. It is the employee's responsibility to seek help for

7.4874 continued

such problems before they must be addressed at the workplace or otherwise become apparent as unsatis-

factory job performance and/or work habits. Such action on the part of the employee shall be viewed as responsible and shall be supported by the Board of Education and the supervisor.

Action on the part of the supervisor to address legitimate concerns about alcohol and other drug problems, and to make referrals to the EAP continues to be expected.

Supervisors are not expected; however, to become "detectives" or "medical diagnosticians." If a supervisor suspects an employee is impaired by alcohol or other drugs, or if any illegal drug activity occurs in the workplace, the following action steps should be taken:

Illegal Drug Activity

Contact the Superintendent who will notify appropriate law enforcement personnel.

On the Job Impairment

Advise the Superintendent of the situation and collaboratively determine the appropriate action to be taken.

Impairment is determined by the supervisor when in his or her opinion the employee's performance is adversely affected by alcohol or other drugs. Such impairment is determined by physical observation of employee performance, communication, and other job-related functions.

Any employee with prior knowledge that the use of a prescribed medication under the doctor's direction or over-the-counter medication that could alter the employee's ability to perform the duties and responsibilities of his or her position, must notify the appropriate supervisory person. An employee is responsible for finding out from a health care professional the effects of any prescribed drug being taken. Failure to obtain such information will not preclude disciplinary action under this policy.

If, in the opinion of the employee's supervisor, an employee's actions and/or behavior are considered unsafe as a result of using the medication, the employee may be sent home on sick leave.

A conference shall be conducted with the employee prior to the employee resuming his or her duties. Assurance in writing must be provided that:

1. Use of the medication has been terminated; or
2. The medication has been adjusted/modified to avoid impairment

Compliance with Drug-Free Workplace Act

In compliance with the Drug-Free Workplace Act of 1988, each school employee shall notify his or her supervisor of his or her arrest or conviction of any criminal drug statute for a violation no later than five (5) days after such arrest or conviction. It is understood that such notification shall constitute a reasonable suspicion for such employee to undergo a required drug test.

In the case that an employee is convicted for a violation of a criminal drug statute occurring in the workplace, the LEA shall take the following actions:

Within 10 calendar days of receiving notice of the conviction, the LEA shall provide written notice, including the convicted employee's position title, to every grant officer, or other designee on whose grant activity the convicted employee was working.

Within 30 calendar days of receiving notice of the conviction, the grantee shall do the following with respect to the employee who was convicted: Take appropriate personnel action against the employee, up to and including termination or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program.

SECTION II: PROGRAM PROCEDURES

A. Employee's Responsibility

Employees are expected to report to the workplace prepared to perform their duties and assignments.

Actions and behaviors as documented by the supervisor that endanger the people and resources of the school system will be viewed as personal conduct which shall be cause for disciplinary action up to and including dismissal.

Responsible use of legal drugs (both prescriptive and over-the-counter medications) is expected of employees.

Employees who are experiencing alcohol or other drug problems should seek help before the problem is discovered at the workplace. Such action on the part of the employee shall be viewed as responsible and shall be supported by the supervisor. Efforts of the employee to obtain help will be respected and will be handled in utmost confidence.

B. Supervisor's Responsibility

The responsibility of the supervisor is to see that operations are run safely and efficiently. Therefore, the supervisor's primary responsibility is to concentrate on job performance and fitness for duty.

It is important for supervisors to become informed about alcohol and other drugs as they impact on the workplace, This is to be accomplished by understanding the established Policy and Procedures, and by attending training in this area.

C. Administrative Responsibility

The personnel director or designee is responsible for implementing this policy and procedures to ensure an alcohol and drug-free workplace. Responsibilities shall include:

1. As required, provide an annual certification to the State Department of Public Instruction that the Catawba County Schools has implemented an effective and viable program to ensure an alcohol and drug-free workplace.
2. Implementation of policy and procedures shall be monitored through reports from work sites of any employee known to have substance abuse problems directly or indirectly affecting job performance occurring at the workplace. All reports shall be confidential.

3. Data and information will be accumulated as necessary to prepare reports and information certifying a good faith effort to continually maintain an alcohol and drug-free workplace.
4. Coordinate with the EAP on matters and activities necessary to comply with Federal regulations.
5. Schedule and coordinate Alcohol and Drug Abuse Awareness Training Programs for all principals and supervisors in order to accomplish the following objectives:
 - a. To increase awareness about alcohol and other drug problems in the work place.
 - b. To be able to identify unsatisfactory job performance and work habits caused by the alcohol or drug-using employee.
 - c. To understand the supervisory role in dealing with alcohol or other drug problems.
6. Provide for Drug Orientation Sessions to increase awareness of alcohol or other drug problems in the workplace:
 - a. The Board's policy on alcohol or other drugs at the workplace,
 - b. The dangers of alcohol or other-drugs in the workplace,
 - c. Their responsibilities regarding the use/abuse of alcohol or other drugs,
 - d. The availability of professional help for personal problems with alcohol or other drugs.

CATAWBA COUNTY SCHOOLS
CERTIFICATION STATEMENT
POLICY ON A DRUG-FREE WORKPLACE
POLICY NO. 7.4874

I certify that I understand the Catawba County Schools Board of Education Policy on "A Drug-Free Workplace" and that I will abide by the terms of that policy during my employment with the school system.

Employee's Signature _____

Date _____