

**USE OF ALCOHOL, DRUGS, AND CONTROLLED SUBSTANCES  
BY EMPLOYEES  
(DRUG FREE WORKPLACE)**

Student and employee safety is a paramount concern to the school board. Employees under the influence of alcohol, drugs, or controlled substances are a serious risk to themselves, to students, and to other employees. Therefore, the school board will not tolerate the unlawful manufacture, use, possession, sale, distribution or being under the influence of drugs or controlled substances. Nor will the board tolerate the unlawful use of, or being under the influence of, alcohol by an on-duty employee. Compliance with standards of conduct described in this policy is mandatory. Any employee who violates this policy will be subject to disciplinary action which will include referral for prosecution and may include termination of employment

Each employee of the district is hereby notified that, as a condition of employment, the employee must abide by the terms of this policy and will report to the superintendent any criminal drug statute convictions for a violation occurring in or on the premises of this school district, or while engaged in regular employment. Such notification must be made by the employee to the superintendent no later than five days after conviction. The superintendent will provide notice of such violation to the Impact Aid Program, United States Department of Education, or other appropriate government agency within ten days after the superintendent receives such notification.

Within thirty days after receipt of information concerning a violation of this policy the district will take appropriate discipline action which may include termination of employment, referral for prosecution, or requiring the employee at his/her own expense to participate in drug abuse assistance or rehabilitation programs.

All employees will be provided with the district's drug free awareness policy. All employees will be informed about the dangers of drug abuse in the workplace; the policy of maintaining a drug free workplace; available drug counseling; rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

The school board recognizes that employees who have a drug abuse problem should be encouraged to seek professional assistance. An employee who requests assistance may be referred to a treatment facility or agency in the community if such a facility or agency is available. If an employee had a drug or

alcohol problem and voluntarily seeks help to overcome the problem, assistance is available to the employee through the district's Employee Assistant Program. An employee's decision to seek assistance will not be used as a basis for disciplinary action, nor will it be a defense to or a mitigating factor in the imposition of appropriate disciplinary action, including termination, where facts indicating a violation of this policy are obtained independent of the employee's pursuit of assistance.

When a staff member is suspected of being under the influence of alcohol or drugs, the staff member will not be allowed on school premises or allowed to participate in school activities. Some form of testing will be mandated under reasonable suspicion.

Information obtained on individuals as part of the drug/alcohol screening test or pursuant to this policy will be disclosed only to those persons having legitimate need for it. Medical records pertaining to drug/alcohol use are confidential, and access to such records shall be in accordance with the district policy, Medical records are not kept in the personal file.

#### DEFINITIONS:

"Legal drug" includes prescribed drugs and over the counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

"Illegal drug" means any drug (a) which is not legally obtainable or (b) legally obtained but has not been legally obtained. All substances listed in the Federal Control Substance Act, so called "designer drugs" which have not been included in the Federal Control Substances Act, and the misuse of other non-drug substances, such as glue, are covered by this definition. The term also includes prescribed drugs legally obtained but not being used for prescribed purposes.

"Under the influence" means for the purpose of this policy that the employee is affected by a drug or alcoholic substance, or the combination of a drug and alcohol, in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior nor to obvious impairment of physical or mental ability such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by professional opinion, a scientifically valid test and some cases such as alcohol, by a lay person's opinion.

"Work place" means all Todd County School District premises including all school buildings, grounds, school-owned vehicles and parking areas.

A annual review of the school district's "Drug-Free Workplace ADB/GBEC) Policy" will be made during the school year by the Drug Free Schools Advisory Council to determine the policy's effectiveness, to suggest changes to the policy if they are needed, and to ensure that standards of conduct and disciplinary sanctions are consistently enforced.

The school board hereby commits itself to a continuing good faith effort to maintain a drug free workplace.

A copy of this policy shall be given to all present and future employees.

ADOPTED: August 28, 1989  
REVISED: October 25, 1993  
REVISED: March 14, 1994  
REVISED: March 30, 1995  
REVISED: May 24, 1999  
REVISED: June 23, 2003  
REVIEWED: August 24, 2015