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DRUG-FREE WORKPLACE

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The Pamlico County Board of Education believes that work environments must be free of employees who are under the influence of alcohol or illegal drugs, or who abuse prescription drugs. It is the purpose of this policy to ensure that all employees are free of these substances so that they may perform their tasks safely and efficiently. Emphasis will be placed on rehabilitation of employees who abuse drugs or alcohol so that they may live up to their responsibilities and the standards set by this policy. All employees should be aware of the harmful effects and dangers of alcohol and other drug abuse. Specifically, an employee working under the influence of alcohol or drugs:

- A. May create unsafe conditions for other employees and students;
- B. May perform unsatisfactorily and may adversely affect the performance of those who work with him;
- C. May discredit the Pamlico County Schools and cause disrespect for both the Board of Education and the Pamlico County Schools among students and parents.
- D. May violate the duty of all Pamlico County Schools employees to serve as role models for students.

I. Definitions

For the purposes of this policy, the following definitions shall apply:

A. A "Category A employee" is one whose primary duty includes being a school bus driver, an activity bus driver, a driver's education teacher, a bus mechanic, or a security officer. Because of the sensitive nature of the duties of these employees and because misjudgment by such employees may have an immediate impact on the safety and physical well-being of students and other school personnel, the Board has established a special category for these employees.

B. "Illegal drugs" are defined as controlled substances when used for non-medical purposes and substances which may affect or alter bodily functions, judgment, or perception when used for non-medical purposes, whether listed as a controlled substance or not. The North Carolina Controlled Substances Act (N.C. Gen. Stat. Ch. 90, Art. 5) and the United States Controlled Substances Act (21 U.S.C. § 801 et seq.) define "controlled substances" and make them illegal when used for non-medical purposes.

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C. "Under the influence" is defined as being that state when an employee's behavior or performance is affected to an observable extent by alcohol, drugs or other substances. Without regard to an employee's behavior or performance, an employee shall be deemed to be under the influence when his alcohol content level as determined by a breathalyzer or blood test equals or exceeds the level that constitutes impaired driving in a commercial motor vehicle under the Motor Vehicle Laws of North Carolina (N.C. Gen. Stat. § 20-138.2).

D. "Abuse" of prescription drugs or other substances occurs when a person uses prescription drugs or other substances either without or in a manner contrary to the specific direction of a physician and where such use affects the employee's behavior or performance to an observable extent.

II. Prohibited Acts

The Board prohibits the following acts:

A. The manufacture, sale, distribution, possession or use of illegal drugs or the abuse of prescription drugs by its employees;

B. The sale, distribution, possession or use of alcohol by its employees while on duty;

C. In the case of Category A employees, driving at any time while under the influence of alcohol or other drugs.

III. Penalties for Noncompliance

Any employee who violates this policy shall be subject to disciplinary sanctions, which may include dismissal. When appropriate, emphasis shall be given to rehabilitation of employees.

A. Any employee who is convicted or pleads guilty or no contest to a felony involving selling, distributing, possessing and/or using illegal drugs in violation of state or federal law shall be dismissed. In addition, if a Category A employee is convicted or pleads guilty or no contest to a charge of driving at any time while under the influence of alcohol or drugs, he shall be dismissed.

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B. Any employee who sells or distributes illegal drugs shall be dismissed. Any employee who uses or is found to be under the influence of illegal drugs or to be abusing prescription drugs while on duty shall be subject to discipline, up to and including dismissal, except that a Category A employee shall be dismissed in all such cases.

C. Any employee who sells or distributes alcohol while on duty shall be dismissed. Any employee who uses or is found to be under the influence of alcohol while on duty shall be subject to discipline, up to and including dismissal, except that a Category A employee shall be dismissed in all such cases.

D. In those cases where discipline less than dismissal is appropriate under this policy and where there appears to be a reasonable possibility of rehabilitating an employee, he shall be referred to appropriate programs. After an assessment and evaluation, the employee may, as an alternative to other discipline, be allowed to participate in a rehabilitation program as approved by the Superintendent and at the employee's expense. (This alternative is not available to Category A employees.) If the employee fails to complete the program satisfactorily, then the employee shall be disciplined, up to and including dismissal. If the employee is found to have committed a subsequent drug or alcohol offense after entering the program, then the employee shall be dismissed.

IV. Authority to Test

A. Pre-employment testing

All job applicants for Category A positions shall be required to undergo a drug test prior to and as a condition of final employment by the Board of Education. A confirmed, positive test indicating illegal or prohibited use of drugs will disqualify the applicant for employment with the school system. All newly hired Category A employees, full and part-time, will be temporary employees pending a review of drug test results.

All job applicants will be required to read this policy as a condition of employment and sign a statement of intent to comply with this policy.

B. Post-employment - Category A employees

After they have been employed, Category A employees will be required to:

1. Submit to random alcohol and drug tests without cause;

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2. Submit to an immediate medical examination, including alcohol or drug testing, where a supervisor or other management employee has reasonable suspicion to believe that the employee is under the influence of alcohol or other drugs;

3. Immediately submit to alcohol or drug testing if involved in an accident while operating a school vehicle; and

4. Read this policy as a condition of continuing employment and sign a statement of intent to comply with this policy.

In the event the employee refuses to submit to a drug test as required herein, or there is a positive alcohol or drug test, and it is confirmed by the medical review officer that the Category A employee has been using illegal drugs or abusing prescription drugs, then the employee shall be dismissed.

Testing of all commercial motor vehicle operators employed by the Board, including school bus and activity bus drivers, shall include testing that complies with 49 C.F.R. Part 382 and Board policy 3008/4008/8308.

C. Post-employment - All employees

Each employee shall be given a copy of this policy.

Any employee of the Board may be required to submit to a drug or alcohol test when a supervisor or other management employee has reasonable suspicion to believe that the employee is using alcohol or illegal drugs or is abusing prescription drugs in the workplace. Refusal to consent to such testing shall be cause for disciplinary action up to and including dismissal.

Reasonable suspicion justifying such testing may be based on, among other things:

1. Observation of drug use or possession and/or the physical symptom(s) of being under the influence of a drug or alcohol;

2. A pattern of abnormal conduct or erratic behavior consistent with abuse of drugs or alcohol;

3. Arrest or conviction for a drug- or alcohol-related offense, or the identification of an employee as the focus of a criminal investigation;

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4. Information provided either by reliable and credible sources or independently corroborated; or

5. Evidence that the employee has tampered with a previous drug or alcohol test.

V. Drug-Free Workplace Act of 1988

In furtherance of the goals of the Drug-Free Workplace Act of 1988 and as a condition of employment with the Pamlico County Schools, each employee must comply fully with this policy. Each employee is required to notify his or her immediate supervisor and the appropriate personnel department representative within five days after any criminal conviction or no contest plea involving alcohol or drugs. Employees who are aware of another employee's on-the-job alcohol or other drug violation must notify their immediate supervisor and the appropriate personnel department representative. Employees who fail to make such notification are subject to disciplinary action up to and including dismissal.

VI. Confidentiality

Information obtained through implementation of this policy is intended to be solely for the purposes specified in this policy and to protect the health and safety of students and/or employees. The confidentiality of all test results will be maintained as required by applicable laws, with only those persons having a need to know being informed of the results.

VII. State Law

All drug testing conducted by or on behalf of the Pamlico County Board of Education will comply with the requirements of N.C. Gen. Stat. 95-230 through -234.

VIII.

Employees shall be provided information concerning available counseling, rehabilitation, and re-entry programs.

Legal Reference: G.S. 115C-47; G.S. Ch. 95, Art. 20; 21 U.S.C. 812; 41 U.S.C. 701 et seq.; 49 U.S.C. App. 2717; 49 C.F.R. Parts 40 & 382

Adopted: June 5, 2000