

FOX CHAPEL AREA SCHOOL DISTRICT

SECTION: EMPLOYEES

TITLE: DRUG AND SUBSTANCE
ABUSE

ADOPTED: May 10, 2010

REVISED: September 9, 2013

351. DRUG AND SUBSTANCE ABUSE	
<p>1. Purpose</p>	<p>The Board recognizes that the misuse of drugs by administrative, professional and support employees is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by drug use by district employees, especially as the use relates to an employee's safety, efficiency and productivity.</p> <p>The primary purpose and justification for any district action will be for the protection of the health, safety and welfare of students, staff and school property.</p>
<p>2. Definitions</p> <p>35 P.S. Sec. 780-101 et seq</p> <p>41 U.S.C. Sec. 8101</p> <p>41 U.S.C. Sec. 8101</p> <p>41 U.S.C. Sec. 8101</p>	<p>Drugs - shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.</p> <p>Conviction - a finding of guilt, including a plea of nolo contendere, imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statute.</p> <p>Criminal Drug Statute - a federal or state criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.</p> <p>Drug-free Workplace - the site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.</p>
<p>3. Authority</p> <p>SC 111 41 U.S.C. Sec. 8103</p> <p>SC 527 35 P.S. Sec. 780-101</p>	<p>The Board requires that each administrative, professional and support employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy and notify the district of any criminal drug statute conviction for a violation occurring in the workplace immediately, but no later than seventy-two (72) hours, after such conviction.</p> <p>Any employee convicted of delivery of or possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the district.</p>

<p>4. Delegation of Responsibility 41 U.S.C. Sec. 8103, 8104</p>	<p>A statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the employee's workplace shall be provided by the Superintendent or designee and shall specify the actions that will be taken against the employee for violation of this policy, up to and including termination and referral for prosecution.</p>
<p>41 U.S.C. Sec. 8103</p>	<p>Within ten (10) days after receiving notice of the conviction of a district employee, the district shall notify any federal agency or department that is the grantor of funds to the district.</p>
<p>41 U.S.C. Sec. 8103, 8104</p>	<p>The district shall take appropriate personnel action within thirty (30) days of receiving notice against any convicted employee, up to and including termination, or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.</p>
<p>41 U.S.C. Sec. 8103</p>	<p>In establishing a drug-free awareness program, the Superintendent or designee shall inform employees about:</p> <ol style="list-style-type: none"> 1. Dangers of drug abuse in the workplace. 2. Board's policy of maintaining a drug-free workplace. 3. Availability of drug counseling, drug rehabilitation, and employee assistance programs. 4. Penalties that may be imposed for drug abuse violations occurring in the workplace.
<p>41 U.S.C. Sec. 8103</p>	<p>The district shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.</p>
<p>5. Guidelines Pol. 317</p>	<p>In the absence of employee sanctions specified by law, the school district reserves to itself the right to take appropriate disciplinary and/or corrective personnel action against any employee found to be engaged in any activity involving alcohol or a controlled substance in the workplace. In these circumstances, the school district shall not be limited in the scope of corrective action to be taken. The school district may develop a corrective/remedial action plan utilizing one (1) or more of the following alternatives: documented counseling sessions; mandatory individualized testing (based upon documented reasonable grounds); required participation in a rehabilitation program; oral or written reprimands; written warnings; probation; suspension; or, termination.</p>

Rehabilitation

Employees who are chemically dependent may secure confidential counseling through the Employee Assistance Program. An employee who identifies him/herself as having a chemical dependency will be granted paid or unpaid leave of absence (based upon benefit eligibility) for the purpose of rehabilitation. The unpaid leave of absence is not to exceed three (3) months and for teaching staff, must coincide with the nine (9) week marking periods.

An individual found to be chemically dependent other than by self-identification will be required to fulfill the following requirements in order to be eligible for rehabilitation and reinstatement:

1. Take a leave of absence if prescribed by a physician.
2. Complete a rehabilitation program approved by the district and satisfy requirements of the rehabilitation program.
3. Remain drug and alcohol free and provide blood or urine samples to the school district physician for testing randomly for five (5) years.
4. Maintain preventive course of conduct prescribed by the approved rehabilitation program provider.

If the individual admits to drug/alcohol use or is suspected of it based on fact-finding procedures, but refuses to be tested and/or undergo rehabilitation, his/her employment will be terminated.

References:

School Code – 24 P.S. Sec. 111, 527, 1302.1-A, 1303-A

State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21

PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-101 et seq.

Drug-Free Workplace Act – 41 U.S.C. Sec. 8101 et seq.

Board Policy – 317, 805.1