

1 **Browning Public Schools**

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3 Policy: #5227

4 Name: *Employee Alcohol and Drug Use/Abuse*

5 Regulation:-----

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7 The Board of Education of Browning Public Schools acknowledges that the use and abuse of drugs  
8 and alcohol within the school community significantly detracts from the District’s ability to provide  
9 an environment which maximizes student learning. Employee use or abuse in work related settings  
10 of alcohol or illegal drugs constitutes an unacceptable threat to the health, safety and well being of,  
11 not only the individual(s) directly involved, but, the parents and students of our community who are  
12 our customers. In response to these concerns, the District hereby formally adopts a *Zero Tolerance*  
13 *Policy* with regard to the use and abuse of alcohol and drugs. Observance of this policy, as described  
14 below, is a condition of employment with Browning Public Schools.

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16 The manufacture, use, possession, sale, transfer or distribution of alcoholic beverages or illegal drugs  
17 by any employee (regardless of classification) of Browning Public Schools while on the job, on  
18 School District property, or using School District vehicles is considered a gross violation of the *Zero*  
19 *Tolerance Policy*. For the purpose of this policy, the term “on the job” is defined as follows: (1)  
20 within the normal hours of the work day; (2) any time an employee is required to supervise students  
21 during school sponsored activities; (3) during approved professional conferences (within the  
22 constraints of the agenda submitted for administrative approval). “School District Property” is  
23 defined in the context of policy 1025 as all real estate properties excepting those which are leased to  
24 employees in the provision of housing. Marijuana is included in the policy because marijuana  
25 consumed in a manner that endangers others is prohibited in accordance with Montana law.

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27 Recommendations for dismissal made by the Superintendent to the Board which factually establish a  
28 violation of the “Zero Tolerance” policy and are consistent with appropriate due process will result  
29 in termination of employment. Employee conduct related to violations of this policy which result in a  
30 recommendation for dismissal will be referred to appropriate law enforcement agencies. Employees  
31 will not be allowed to participate in an approved drug or alcohol abuse assistance or rehabilitation  
32 program as an alternative to discharge.

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34 Adult volunteers, chaperones or others serving in any capacity of non-paid assistance to the  
35 school district suspected of being in violation of this policy will be subject to termination  
36 from all current and future involvement with the Browning Public Schools.

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38 Recognizing that the employees of Browning Public Schools are one of its valuable  
39 resources, the Board of Education encourages employees to seek assistance from an  
40 appropriate alcohol or drug assistance program prior to any incident involving the employee  
41 in the manufacture, use, possession, sale, transfer or distribution of alcoholic beverages or  
42 illegal drugs while on the job, on School District property, or using School District vehicles.

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44 Employees may, at their discretion, contact their immediate supervisor to request assistance with  
45 drug and alcohol use/abuse issues that potentially compromise their employment with the District. If,  
46 in the judgment of the Assistant Superintendent of Personnel, an assessment from a certified drug  
47 and alcohol counselor confirms a need for treatment at a chemical dependency facility, the employee  
48 may utilize sick/annual leave to the extent that he/she has accumulated leave: all excess days  
49 utilized for treatment will be without pay. The District assumes no financial obligation for any

1 portion of treatment expense. Employees are expected complete the chemical dependency program  
2 prior to returning to their jobs. Nothing herein should be construed to remove the burden from the  
3 employee for adhering to all conditions set forth in the *Zero Tolerance Policy* described above.  
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5 A conviction or the acceptance of a guilty plea or a plea of “no contest” with respect to a felony  
6 charge of unlawful manufacture, use, possession, sale, transfer, or distribution of alcoholic beverages  
7 or illegal drugs by any employee of Browning Public Schools while off duty shall result in employee  
8 dismissal. Pursuant to federal law, any employee who is convicted or pleads “no contest” under any  
9 criminal drug statute for a violation occurring in the workplace shall notify the Superintendent’s  
10 office no later than five days after the conviction. The District has an obligation under federal law to  
11 notify the appropriate federal agencies within ten days after receiving notice of such conviction if  
12 there is a relationship between the federal funds received by the District and the work site of the  
13 convicted employee.  
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15 The administration shall verify that each employee has been notified of this policy when hired by the  
16 District and shall be required to verify that such notification has been given to all current employees.  
17 All employees shall acknowledge, in writing, receipt of a copy of this policy.  
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19 The Superintendent or designee shall establish an awareness program to inform employees about (1)  
20 the dangers of drug and alcohol abuse, (2) the Board’s policy of maintaining a drug and alcohol-free  
21 workplace, (3) available drug and alcohol counseling, rehabilitation, and employee assistance  
22 programs, and (4) the penalties that will be imposed upon employees for drug and alcohol abuse  
23 violations occurring in the workplace as a result of the “Zero Tolerance” Policy adopted by the  
24 Board of Education.  
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26 The Board shall conduct an annual review of its drug and alcohol abuse prevention program to  
27 determine its effectiveness, to implement required changes, and to ensure that disciplinary sanctions  
28 are consistently enforced.  
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30 The Superintendent is directed to establish procedures to implement this policy.  
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36 **Cross Reference:** #5228 Employee Alcohol and Drug Testing  
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38 **Legal Reference:** 41 USC 701, et seq., Drug Free Workplace  
39 Initiative 190 – “Montana Marijuana Regulation and Taxation Act.”  
40 January 1, 2021  
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43 **Policy History**

44 Adopted on: 1/29/97

45 Revised on: 3/26/14, 2/9/21  
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