

## **DRUGS AND ALCOHOL – ALL PERSONNEL**

### **Drug- and Alcohol-Free Workplace**

All Harlem School District workplaces are drug- and alcohol-free workplaces. All employees shall be prohibited from:

1. Unlawful manufacture, dispensing, distribution, possession, solicitation, use, or being under the influence of a controlled substance while on District premises or while performing work for the District, and
2. Distribution, consumption, use, possession, solicitation, or being under the influence of alcohol while on District premises or while performing work for the District.

For purposes of this policy a controlled substance means a substance that is:

1. Not legally obtainable,
2. Being used in a manner different than prescribed,
3. Legally obtainable, but has not been legally obtained, or
4. Referenced in federal or State controlled substance acts.

As a condition of employment, each employee shall:

1. Abide by the terms of the District policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than 5 calendar days after such a conviction.

In order to make employees aware of dangers of drug and alcohol abuse, the District will:

1. Provide each employee with a copy of the District Drug- and Alcohol-Free Workplace policy;
2. Post notice of the District Drug- and Alcohol-Free Workplace policy in a place where other information for employees is posted;
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations;
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employees;
5. Establish a drug-free awareness program to inform employees about:
  - a. The dangers of drug abuse in the workplace,
  - b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
  - c. The penalties that the District may impose upon employees for violations of this policy.

### **District Action Upon Violation of Policy**

An employee who violates this policy may be subject to disciplinary action, including termination. Alternatively, the School Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction

### **Drug and Alcohol Testing of Employees**

#### **Generally**

When a District administrator or official reasonably suspects that an employee has violated the District's Drug- and Alcohol-Free Workplace policy, the District may require the employee to submit to testing for alcohol and controlled substances. This reasonable suspicion must be based on specific, contemporaneous, describable observations concerning the employee's appearance, behavior, speech, or body odors.

#### **School Bus and Commercial Vehicle Drivers**

Harlem School District shall adhere to federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers.

This program shall comply with the requirements of the Code of Federal Regulations, Title 49 §382 et seq. The Superintendent or designee shall adopt and enact regulations consistent with the federal regulations, defining the circumstances and procedures for the testing.

Consistent with federal law, such regulations shall include, but not be limited to, the following:

- Pre-employment testing
- Post-accident alcohol and drug testing
- Random testing
- Reasonable suspicion testing
- Return to duty testing
- Follow-up testing

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12114.  
Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. §1308.11-  
1308.15.  
Drug-Free Workplace Act of 1988, 41 U.S.C. §701 et seq.  
Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C.  
§7101 et seq.  
Drug-Free Workplace Act, 30 ILCS 580/.

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