

DRUG-FREE AND ALCOHOL-FREE WORKPLACE

Policy Code:

7240

The board of education recognizes that eliminating drug and alcohol abuse in the workplace improves the safety, health and productivity of employees. It is the policy of the board that a drug-free and alcohol-free workplace must be maintained.

A. PROHIBITED ACTIVITIES

The board prohibits employees from possessing, using, selling, sharing, delivering, manufacturing, or being under the influence ~~engaging in the unlawful manufacture, sale, distribution, dispensing, possession, or use~~ of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, alcohol, stimulants, synthetic cannabinoids, counterfeit substance or any other controlled substance as defined in (1) Schedules I through VI of the North Carolina Controlled Substances Act or in (2) Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and further defined by regulation at 21 C.F.R. 1300.01 through 1300.04 and 21 C.F.R. 1308.11 through 1308.15 at any time this policy is applicable. Employees are prohibited from possessing, using, selling, sharing, delivering, manufacturing, or being under the influence of a substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC) at any time this policy is applicable, regardless of whether it constitutes a controlled substance under state or federal law. Employees must not, at any time this policy is applicable, be under the influence of alcohol or be impaired by the use of substances intended to induce exhilaration or euphoria or alter mood or behavior or be impaired by the excessive use of prescription or nonprescription drugs ~~at any time this policy is applicable~~. This policy is not violated by an individual's possession of or proper use of a drug lawfully prescribed for that individual by a licensed health-care provider.

B. APPLICABILITY

This policy governs each employee before, during and after school hours while the employee is on any property owned or leased by the board; at any time during which the employee is acting in the course and scope of his or her employment with the board; and at any time that the employee's violation of this policy has a direct and adverse effect upon his or her job performance. This policy does not apply to an employee's consumption of alcoholic beverages that are served at a reception or other similar function that occurs outside the regular workday and that the employee is authorized or required to attend as a part of his or her employment duties.

Independent contractors, volunteers and visitors are subject to all requirements of this policy while on school property or at a school-sponsored event.

C. REASONABLE SUSPICION TO SEARCH

An employee may be subjected to a search of his or her person or belongings or of school

property under the employee's control if there is reasonable suspicion that the employee has violated this policy. An employee also may be required to submit to a drug or alcohol test when there is reasonable suspicion of drug or alcohol use by the employee in violation of this policy. Reasonable suspicion shall be based on specific, contemporaneous observations concerning the physical, behavioral, speech and/or performance indicators of drug or alcohol use.

All drug and alcohol testing will be done with procedures that ensure the confidentiality and privacy interests of the employee and in accordance with law. Employees who refuse to submit to a search or a test to detect alcohol or drug use after reasonable suspicion is established may be suspended immediately pending consideration of a decision to terminate employment.

In addition, any employee, volunteer or independent contractor who operates a commercial motor vehicle or performs other safety-sensitive functions in the course of duties for the board may be subject to drug and alcohol testing in accordance with policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators.

The board will cover the cost of any required employee testing.

D. DUTY TO REPORT

An employee must notify his or her supervisor and the Chief Human Resources Officer in writing of any charge or conviction under any criminal drug statute for a violation occurring within the scope of Section B of this policy. Notification must be given no later than the next scheduled business day after such charge or conviction and before reporting to work, in accordance with policy 7300, Staff Responsibilities. Within 10 days of receiving a notice of conviction by an employee whose position is funded in any part by a federal grant, the Chief Human Resources Officer or designee shall notify the funding agency of the conviction. "Conviction" as used in this policy includes the entry in a court of law or military tribunal of: (1) a plea of guilty, *nolo contendere*, no contest or the equivalent; (2) a verdict or finding of guilty; or (3) a prayer for judgment continued ("PJC") or a deferred prosecution.

E. CONSEQUENCES

Violation of this policy will subject an individual to disciplinary action by the board that could result in non-renewal or termination of employment with the school system or the requirement that the employee participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program approved by the board or federal, state or local health, law enforcement or other appropriate agency. Information concerning available counseling, rehabilitation and re-entry programs will be provided to employees. Any illegal drug activity will be reported to law enforcement authorities.

All employees shall receive a copy of this policy.

Legal References: 21 U.S.C. 812; 41 U.S.C. 8101 *et seq.*; 21 C.F.R. 1300.01-.04 and 1308.11-.15; G.S. 20-138.2B; 90-89 to -94; 115C-36; *O'Connor v. Ortega*, 480 U.S. 709 (1987)

Cross References: Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Staff Responsibilities (policy 7300)

Adopted: April 3, 2012

Revised: June 3, 2014; March 6, 2018;