

PERSONNEL

GENERAL PERSONNEL – Drug and Alcohol Free Workplace

It is the policy of the Regional Office of Education that its workplace be free from drugs and alcohol. Accordingly, the following rules and regulations are effective as of passage of this policy.

Disciplinary and Other Employer Action

1. Violation of these prohibitions may result in disciplinary action up to, and including, termination.
2. The ROE shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within thirty (30) days after receiving notice of such a conviction. The ROE shall notify the appropriate federal agency from which it receives grant monies of an employee conviction within ten (10) days after receiving notice of such a conviction.
3. The ROE may also require an employee who violates any of these prohibitions to participate satisfactorily in a substance or alcohol abuse assistance or rehabilitation program that has been approved by the Regional Superintendent.

Regulations

1. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance by an employee while on the ROE's premises or while performing work for the ROE is prohibited. Employees shall not be considered to be in possession of alcohol on ROE premises if he/she has sealed bottles or containers of alcohol in the locked trunk of his/her vehicle for the purpose of transporting such bottles or containers to a non-ROE location.
2. The distribution, consumption, or possession of alcohol by an employee while on the ROE's premises or while performing work for the ROE is prohibited. Performing work for the ROE does not include moderated use of alcohol at social events at which alcohol is served.
3. Being under the influence of alcohol or any controlled substance while on the ROE's premises or while performing work for the ROE is prohibited.

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4. As a condition of his/her employment, each employee shall:
 - a. Agree in writing to abide by the terms contained in this policy; and
 - b. Agree to notify the ROE of any criminal drug statute conviction for a violation occurring on the ROE’s premises no later than five (5) days after such conviction.

Definitions

For the purposes of the above rules and regulations, the following definitions apply:

1. A “controlled substance” is one which (a) is not legally obtainable, (b) is being used in a manner different from that prescribed, or (c) is legally obtainable, but has not been legally obtained.
2. A conviction is defined as a finding of guilt (including a plea of no contest) or imposition of a sentence, or both, by any judicial body charged with the responsibility of determining violations of the federal or state criminal drug statutes.

In order to make employees aware of dangers of drug and alcohol abuse, the ROE shall:

1. Provide each employee with a copy of the ROE’s drug and alcohol policy;
2. Post notice of the ROE’s drug and alcohol policy in a place where other information for employees is posted;
3. Provide information about available drug and alcohol counseling and rehabilitation and re-entry programs that are available to employees.
4. Provide employees a copy of the ROE’s standards of conduct and the statement of disciplinary sanctions that may be imposed.
5. Conduct a biennial review of the ROE’s program to determine its effectiveness and implement changes to the program if they are needed, and ensure that the sanctions are consistently enforced.

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6. Annually distribute to employees a copy of the standards of conduct, a description of the legal sanctions, a description of the health risks associated with the use of illicit drugs and alcohol, a description of available counseling programs, and a statement that the ROE will impose sanctions up to and including termination.

LEG. REF.: Drug Free Workplace Act, 102 Stat. 4305-4308.
Regulations, 54. Reg. 4946.
Controlled Substances Act, 21 U.S.C. Sect. 812.
Regulations, 21 C.F.R. 1308.11 through 1308.15.

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