

## **Drug Free Workplace**

### **1. Drugs and Alcohol in the Workplace**

- a. No CESD employee shall manufacture, distribute, dispense, store, or use alcohol, illegal drugs, or controlled substances (except as prescribed by a physician and used as directed), regardless of quantity, in the workplace. Employees who are convicted of any violation of criminal drug statutes occurring in the workplace are required to notify the CESD superintendent no later than five days after such conviction.
- b. Any employee of CESD who is aware of student use or possession of alcohol, illegal drugs, or controlled substances (except as prescribed by a physician and used as directed) in CESD facilities, or in CESD vehicles, or at officially sponsored CESD activities shall bring such information to the attention of his or her immediate supervisor or the superintendent or the person in charge of the workplace or activity.
- c. Any employee who is aware that another employee's use or possession of alcohol, illegal drugs, or controlled substances (except as prescribed by a physician and used as directed) in CESD facilities, vehicles, or at officially sponsored CESD activities jeopardizes the safety and/or welfare of students or fellow employees is strongly encouraged to bring such information to the attention of his or her immediate supervisor or the superintendent or the person in charge of the workplace or activity.

### **2. Drugs and Alcohol Generally**

All CESD employees must abstain from the unlawful use, manufacture, distribution, or possession of illegal drugs and controlled substances (as "drugs" have been defined in the "definitions" section of this policy).

### **3. Notice**

- a. Supervisors annually will provide employees with the following information:
  - (1) The dangers of drug and alcohol abuse;
  - (2) Terms of CESD policy on substance abuse;
  - (3) Any available drug counseling, rehabilitation, and Employee Assistance Programs; and
  - (4) Sanctions for violating the substance abuse policy.
- b. Annual notification shall be made by distributing copies of this policy and supplementary materials in an employee handbook or other communication to all staff members.

#### 4. **Implementation of the Policy**

- a. As a condition of employment with CESD, all employees are required to abide by the terms of this policy and any implementing administrative rules. Such rules must be consistent with the Board's policy and applicable collective bargaining agreements.
- b. When an employee voluntarily enters a substance abuse program, CESD will support the rehabilitation effort by providing unpaid leave or accumulated paid sick leave, vacation leave, or other leave, if necessary, as applicable under law and collective bargaining agreements, to further the employee's rehabilitative effort. When a treatment provider releases an employee for return to work, CESD will reinstate the employee to a position in the CESD. CESD may require certification from a medical doctor to verify that an employee does not pose a danger to students, fellow employees, or the public. The employee shall provide CESD with a signed release indicating that CESD may obtain information from the treatment provider about the frequency of the employee's attendance in the treatment program and any follow-up care. Failure of the employee to adhere to the treatment program may result in a refusal to reinstate the individual and/or disciplinary action, including possible dismissal.
- c. Where there is reasonable cause to believe that an employee is under the influence of alcohol, illegal drugs, or a controlled substance, or has ingested alcohol, illegal drugs, or a controlled substance at the workplace, CESD may, as part of its investigation, require the employee to be examined by a physician for the purpose of determining whether the employee is fit for duty. The employee may be asked to divulge to the physician information about any prescribed medication which the employee is taking that may affect the employee's work performance or test results. CESD will pay all costs of such an examination and provide the necessary paid release time.

If the medical doctor causes the employee to be tested for drugs or alcohol, he or she shall, at CESD's expense, require that a second confirmatory test be conducted from the same sample, and it also must be positive before concluding that an employee's body contains such substance(s). The confirmatory test must be a gas chromatography/mass spectroscopy (GC/MS) test. The doctor shall be certain that the tests are conducted by two different laboratories, both meeting high standards of performance in terms of precision, accuracy, sensitivity, specificity, limit of detection, and cutoff point.

No test results shall be released by the doctor to CESD until a confirmatory test has been completed. The employee shall also be permitted to conduct an independent test at his or her own expense at a laboratory approved by CESD. The doctor shall communicate the test results to a single individual designated by management to receive them.

CESD shall request that the doctor submit a written opinion with respect to whether or not the employee is fit to perform his or her duties in CESD. Should an employee's personal doctor submit a conflicting medical opinion, CESD's doctor and the employee's doctor shall select a third impartial doctor to issue a conclusive medical opinion on which CESD shall base any action. CESD will pay for the cost of an examination by the impartial doctor.

- d. It is within the discretion of CESD to search CESD property and equipment for evidence of violation of this policy and these administrative rules.

- e. If CESD's investigation determines that an employee has violated this policy or administrative rules, regardless of whether the employee has been charged or convicted of criminal activity, CESD retains the discretion to take appropriate disciplinary action(s), including possible reprimand, suspension, or termination of employment.
- f. Disciplinary action short of termination may include a requirement that the employee obtain a drug/alcohol abuse assessment, participate in a drug/alcohol abuse treatment program, and provide a release from the treatment provider which is sufficient to permit CESD to determine that the employee is attending all scheduled meetings in connection with the treatment program. Failure to complete satisfactorily a treatment program and to comply with the terms of this policy may result in the employee's suspension or termination of employment.
- g. Based on a "reasonable cause" search, evidence of criminal activity with respect to this substance abuse policy will result in CESD referring the matter for prosecution.
- h. CESD reserves the right to require pre-employment drug and alcohol testing.
- i. Through implementation of this policy, CESD will strive in good faith to maintain a drug-free workplace and to fulfill CESD's role in educating students and community concerning dangers of drug and alcohol abuse.