

**DRUG AND ALCOHOL POLICY FOR EMPLOYEES
(INCLUDING EMPLOYEE DRUG AND ALCOHOL TESTING)**

The New Hanover Board of Education (Board) is concerned about the negative effects the use of Illegal Drugs and Alcohol abuse may have upon the health and safety of its employees and students. The Board recognizes that the excessive or habitual use of Alcohol and the non-medical or illegal use of Drugs can lead to increased accidents in the workplace, increased absenteeism of employees, and can affect the quality of an employee's performance. The Board expects all employees to serve as positive role models for students.

This Policy governs and applies to the conduct of employees any time those employees are or are supposed to be acting in the course and scope of their employment as well on their personal time. This includes employees who are traveling in their personal vehicles as well as School System Vehicles.

This Policy also applies to the conduct of employees, whether on duty or not, if the conduct causes or results in an employee: (i) being on duty while Under the Influence of Alcohol or Drugs, (ii) driving a vehicle on school system business or performing any Safety Sensitive Function within eight (8) hours after using Alcohol or Drugs, or (iii) being convicted or pleading guilty or no contest to an Alcohol or Drug-related criminal offense as established by federal or state law.

Definitions (for purposes of this Policy)

"Serious Accident" shall mean a motor vehicle accident that causes a personal injury to any person that results in a medical treatment away from the scene of the accident or that causes property damage in excess of one thousand dollars (\$1,000.00).

"Alcohol" shall mean any beverage containing at least one-half of one percent (0.5%) of Alcohol by volume, including beer, malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.

"Drug" shall mean a controlled substance as defined in the North Carolina Controlled Substances Act or the United States Controlled Substances Act. This definition includes any substance, other than Alcohol, which is capable of altering an individual's mood, perception, pain sensitivity, alertness or judgment.

"Illegal Drugs" are those drugs or controlled substances for which the sale, possession or consumption is illegal and includes any prescription drug for which the employee does not have a valid prescription or which the employee has used contrary to the medically prescribed instructions or doses.

"Prescription Drugs" are any substances prescribed by a licensed medical practitioner for individual consumption and used by that individual according to the prescription. Use or possession of medication prescribed for others is illegal and will be considered Use or possession of an Illegal Drug.

"Random Testing" shall mean a scientifically valid method for randomly selecting an employee from a group of employees for an Alcohol or Drug test.

"School Transportation Personnel" or "School Transportation Employees" (either in the singular or plural) shall mean employees who are required to obtain a commercial driver's license (CDL) in order to perform any of the duties and responsibilities of the individual's position of employment and/or employees who drive any School System Vehicle that transports students. The terms include but are not limited to School Bus Drivers, Activity Bus Drivers, Area Transportation Supervisors, Driver Education Instructors, Maintenance Personnel who are required to obtain a CDL, and School Bus Mechanics who are required to obtain a CDL.

"School System Vehicle" shall mean any motor vehicle owned or leased by or on behalf of the Board or its schools, Divisions, Departments or Programs.

"Use" shall mean drinking, consuming, injecting, inhaling, or absorbing Alcohol or an Illegal Drug into an employee's body by any means at any time when the employee is on duty; or being Under the Influence of Alcohol or an Illegal Drug when on duty.

"Under the Influence" shall mean when the use of Alcohol or a Drug alters an employee's behavior or ability to any appreciable or observable extent, except for effects caused by the use of Prescription Drugs prescribed for the employee and used in accordance with medically prescribed instructions and doses and which do not appreciably impair the employee's ability to perform his or her job duties in a competent and safe manner. The words "Under the Influence" include but are not limited to an employee who is drunk. For the purpose of this Policy a concentration of 0.04 of blood alcohol is considered Under the Influence.

Employees who perform a **"Safety Sensitive Function"** are those:

- who drive a school bus, activity bus or other vehicle to transport students;
- who repair or maintain a school bus or activity bus;
- who supervise the drivers of school buses or activity buses;
- who drive or ride with students in a Driver Education vehicle.

Manufacture, Sale and Distribution of Alcoholic Beverages or Drugs Prohibited

The unlawful manufacture, distribution, sale, or dispensing of any Alcoholic beverage or Drug, including any narcotic Drug, hallucinogenic Drug, amphetamine, barbiturate, marijuana, and any other controlled substances as defined in [the United States Controlled Substances Act](#), or in [the North Carolina Controlled Substances Act](#), is prohibited at any time, both when an employee is on and off duty.

Possession, Use or Being Under the Influence While On Duty Prohibited

The Use or possession of Alcohol or controlled substances, or being Under the Influence, while on duty by employees is prohibited, except that employees may possess and Use controlled substances medically prescribed for them in accordance with prescribed instructions and doses as long as such Use does not render them to be Under the Influence. In addition, no employee shall drive on school system business or perform a Safety Sensitive Function on the job within eight

(8) hours after using Alcohol or controlled substances or at such a time that Alcohol or controlled substances remains in the employee's system, except for the proper Use of medically prescribed controlled substances in accordance with prescribed instructions and doses and as long as such Use does not render them to be Under the Influence.

Violation of Laws Prohibited

Any employee who possesses or Uses Alcohol or Drugs in an illegal manner or is convicted of or who pleads guilty or no contest to a criminal offense under the [United States Controlled Substances Act](#) or [North Carolina Controlled Substances Act](#) is subject to disciplinary action, up to and including dismissal from employment.

Impaired Driving Violations Prohibited

Any employee who is charged, convicted, pleads guilty or no contest to an impaired driving violation, as defined in N.C.G.S. § 20-138.1 or comparable successor statute, or who displays a pattern of excessive Alcohol or Illegal Drug use while on or off duty is subject to disciplinary action, up to and including dismissal from employment.

Abuse of Drugs Prohibited

The Board prohibits the abuse of Prescription Drugs or other controlled substances. Such abuse of Prescription Drugs or other controlled substances occurs when a person Uses Prescription Drugs or other controlled substances to such an extent the Use negatively affects the employee's behavior or performance to an observable degree, except in accordance with medically prescribed instructions and doses for the employee, and which do not render the employee to be Under the Influence while on duty.

Duty to Report Violations

It is a condition of continued employment by the Board that employees shall comply with this Policy and shall notify their supervisor in writing of any misdemeanor or felony charge or conviction of violating any controlled-substances law no later than three (3) days after any such charge or conviction occurs. Failure for the employee to notify their supervisor in this period of time may subject the employee to disciplinary action, up to and including dismissal from employment.

Discipline

Employees who violate any prohibition of this Policy shall be subject to a disciplinary action ranging from a suspension without pay for a period of up to 60 days to dismissal and/or a requirement that the employee participate in an Alcohol or Drug rehabilitation program approved by the Superintendent. Except as may be required by applicable law, the school system is not required to pay for an employee's rehabilitation or to hold a job open for an employee who agrees to seek rehabilitation. If an employee, who is placed back into a position after successfully completing a rehabilitation program, is found to have violated this Policy again, then the employee may be dismissed from employment.

Drug-Free Awareness Program

A Drug-Free Awareness Program shall be established by the Superintendent or designee to inform all school system personnel of the Board's Policy on maintaining a Drug and Alcohol-free workplace and the penalties that may or shall be imposed for violations of the laws pertaining to Alcohol and controlled substances, and the school system's [Employee Assistance Program](#).

Principals, assistant principals and other school personnel who supervise employees shall receive training periodically on how to identify controlled substances, how to detect the physical, behavioral, speech and performance indicators of probable Use or abuse of Alcohol and Drugs, and how to assist employees who may be Using or abusing Alcohol and/or Drugs.

This Policy or a summary of it shall be communicated to all employees annually.

Pre-employment Testing of School Transportation Applicants and Employees

All applicants in certain school transportation positions are required to undergo a pre-employment test for Alcohol and Drugs prior to Board approval of employment, as required by applicable law.

Transportation Employees

Certain school transportation employees are required to undergo tests for Alcohol and Drugs as required by applicable law.

Reasonable Suspicion Searches

Employees may be subjected to a search of their person, locker, desk or other property under their control in the workplace or on school system premises when their supervisor(s) have reasonable grounds for suspecting that they have sold, possessed, Used or are Under the Influence of Alcohol or a controlled substance while on duty, based on the supervisor's observation of behavior, speech, appearance, apparent odor or other information about an employee that is reasonably considered a characteristic of Alcohol or Drug Use or evidence of illegal Alcohol or Drug possession or sale.

Reasonable Suspicion Drug and Alcohol Testing

Any employee may be subjected to an immediate test for the presence of Alcohol or controlled substances in the employee's body when a supervisory employee, the Superintendent or Human Resources Division have reasonable grounds to suspect that the employee has Used, or is Under the Influence of Alcohol or Drugs, while on duty, in violation of this Policy, based on observation of the employee's behavior, speech, appearance or apparent odor about the employee that is characteristic of Alcohol or Drug Use, or other information.

Post-Accident Alcohol and Drug Testing

Any employee who regularly performs a Safety Sensitive Function and is charged or cited with a moving violation by law enforcement in connection with a Serious Accident involving a motor vehicle while on school system business, shall be required to undergo post-accident Alcohol and Drug testing. The testing shall be performed as soon as practicable after the accident. Such employees shall report such Serious Accidents to their immediate supervisor immediately after such accident or as soon as the employee is medically and safely able to do so. Failure to report as required may subject the employee to disciplinary action, up to and including dismissal.

Random Drug and Alcohol Testing

Any employee who regularly performs a Safety Sensitive Function is subject to random Drug and Alcohol testing.

Return-to-duty and Follow-up Testing

When and if employees who have violated Alcohol or Drug conduct standards (other than failure to report violations) set forth in this Policy are allowed to return to duty, they shall be subject to passing an Alcohol and Drug test prior to their return to duty. In addition, if a substance abuse professional has identified employees as needing assistance in resolving problems with Alcohol or controlled substances prior to their return to duty, and they regularly perform a Safety Sensitive Function, they shall be subject to unannounced, follow-up Alcohol and/or Drug testing for a period of 12 months following their return to duty.

Testing Procedures

The Superintendent shall establish specific procedures for conducting the Alcohol and Drug tests authorized by this policy which are in conformity with state and federal law and regulations. These procedures shall protect the privacy of the individuals and the confidentiality of the test results and provide as accurate test results as are reasonably possible to obtain.

Failure to Submit to Required Testing

Employees who fail to submit to Alcohol or Drug testing in accordance with this Policy in a timely and cooperative manner as directed by their Supervisor or other Administrative staff, or who unreasonably delay or obstruct any such testing, are subject to disciplinary action, up to and including dismissal.

LEGAL REF: N.C.G.S. § 90-87

CROSS REF:

[Policy 6430 Drug Free Workplace](#)

United States Controlled Substances Act

North Carolina Controlled Substances Act

Adopted: 05/05/92

Revised: 04/03/95, 11/05/19