

**EMPLOYEE DRUG AND ALCOHOL OFFENSES**

Background

The Mt. Lebanon School District has long been committed to the maintenance of a workplace environment free from all forms of drug and alcohol use.

Objective

It is the objective of this policy to provide for a drug and alcohol free work place free from all forms of drug and alcohol use and to comply fully with the federal Drug-Free Workplace Act and the Safe and Drug-Free Schools and Communities Act. The District shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy. The primary purpose and justification for any District action will be for the protection of the health, safety and welfare of students, staff and school property.

Definitions:

**Conviction** - a finding of guilt, including a plea of nolo contendere, imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statute.

**Criminal Drug Statute** - a federal or nonfederal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

**Drug-free Workplace** - the site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.

**School District Location** - in any school building or on any school premises; in any school-owned vehicle or any other school approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, or wherever students are under the jurisdiction of the District; or during any period of time such employee is supervising students on behalf of the District.

Policy

It is the policy of the Board of School Directors that:

1. Each administrative, professional and support employee shall be given notification that, as a condition of employment, the employee will abide by the terms of this policy and notify the District of any criminal drug statute conviction for a violation occurring in the workplace immediately, but no later than seventy-two (72) hours, after such conviction. 24 P.S. § 1-111; 41 U.S.C. § 8103.
2. No employee shall distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor or unlawfully manufacture, distribute, dispense, possess or use or be under the influence, except for a valid, legal medical purpose, of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, other intoxicant or substance causing a hallucinogenic or toxic effect, anabolic steroid or any other controlled substance, as defined in any Criminal Drug Statute, including, without limitation, Schedules I through V of the Controlled Substances Act (21 U.S.C.A. Section 812) and as further defined by regulation at 21 C.F.R. 1308.11 through 1308.15, The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §780-101), the Pennsylvania Drug and Alcohol Abuse Control Act (71 P.S. §1690.101), or any regulations relating to the foregoing statutes, or any successor statutes or regulations, before, during or after school hours at school or in any other School District Location. .
3. Any employee who violates the terms of this policy may be nonrenewed or his or her employment may be suspended or terminated consistent with applicable federal and state laws and collective bargaining agreements made in accordance therewith. In addition, such an employee may be referred for prosecution. 41 U.S.C. §§ 8103, 8104.
4. Any employee convicted of delivery of or possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the District. 24 P.S. § 5-527(a). Any employee, while employed by the District, who is convicted of any of the offenses enumerated in subsection (e) of section 111 of the School Code, 24 P.S. § 1-111(e), shall be immediately terminated from such employment.
5. Within ten (10) days after receiving notice of the conviction of a District employee, the District shall notify any federal agency or department that is the grantor of funds to the District. 41 U.S.C. § 702.
6. The District shall take action within thirty (30) days of receiving notice, with respect to any convicted employee, up to and including termination, or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

7. As a further condition of employment in connection with any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any School District location, no later than five (5) calendar days after such conviction.
8. In establishing a drug-free awareness program, the administration shall develop a program for all employees that includes notice to employees of the prohibitions stated in this policy that disciplinary action will be taken for violations thereof, that provides information about any drug and alcohol counseling, employee assistance programs and rehabilitation programs available, and that contains such other matters as are required by the aforesaid Acts and the regulations issued thereunder and such additional items as may be deemed appropriate and assist in the maintenance of a drug-free workplace and school environment.
9. In the absence of employee sanctions specified by law, the District reserves to itself the right to take appropriate disciplinary and/or corrective personnel action against any employee found to be engaged in any activity involving alcohol or a controlled substance in the workplace. In these circumstances, the District shall not be limited in the scope of corrective action to be taken. The District may develop a corrective/remedial action plan utilizing one (1) or more of the following alternatives: documented counseling sessions; mandatory individualized testing (based upon documented reasonable grounds); required participation in a rehabilitation program; oral or written reprimands; written warnings; probation; suspension; or, termination.

### Administration Responsibility

It shall be the responsibility of the Administration to implement and enforce this policy, and to develop Administrative Procedures for implementation and enforcement where necessary.

The Superintendent shall annually, by July 31, report all incidents of possession, use or sale of controlled substances or drug paraphernalia to the Office For Safe Schools on the required form. 24 P.S. 1303-A.

The Superintendent or designee shall immediately report incidents involving the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act by any employee while on a School District Location in accordance with federal and state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies. 24 P.S. 1302.1-A.

Communication

This policy shall be communicated to:

1. All District Staff
2. The Mt. Lebanon Community

Adopted November 19, 1990

Revised March 18, 1991

Revised April 15, 1996

Revised November 20, 2006

Revised March 16, 2020