

Alcohol, Tobacco, and Drug-Free Workplace

Alcohol and Drugs

The Bethany Public School District (District) recognizes the importance of maintaining a drug-free environment for its staff and students. In compliance with federal and state requirements, employees are prohibited from the unlawful manufacture, distribution, dispensing, possession, or use of any alcohol, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance in the workplace. Controlled drugs are further defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15.

The "workplace" is defined to mean the site for the performance of work done. That includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the District.

"Controlled drugs" are those drugs which contain any quantity of a substance which has been designated as subject to federal narcotic laws, or which has been designated as a depressant or stimulant drug pursuant to Federal food and drug laws, or which has been designated by the Public Health Council and Commissioner of Consumer Protection pursuant to Section 19-451 as having a stimulant, depressant, or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence - or both. Controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type, and other stimulant and depressant drugs. Specifically excluded from controlled drugs are alcohol, nicotine, and caffeine.

All District employees shall notify the Superintendent or his/her designee of his or her conviction for any criminal drug statute violation occurring in the workplace as defined above, no later than five (5) days after such conviction.

The Superintendent with necessary Bethany Board of Education (Board) assistance and support, will provide a drug-free workplace in accordance with state and federal regulations.

Employees are prohibited from possessing or using any product with cannabidiol (CBD) whether derived from hemp or cannabis, regardless of the amount of tetrahydrocannabinol (THC) in the product or to the extent to which it is legal or illegal under state law.

An employee who violates the terms of Board policy or this administrative regulation may be required to complete successfully an appropriate rehabilitation program or may not be renewed or his/her employment may be suspended or terminated, at the discretion of the Board.

The District will establish a drug-free awareness program to inform employees about the dangers of drug and alcohol abuse in the workplace; the District's policy of maintaining a drug-free workplace; any available drug and alcohol counseling, rehabilitation, and employee assistance programs; and penalties which may be imposed on employees for drug or alcohol abuse violations occurring in the workplace.

Employees Funded by Federal Grant

Any employee who is funded by a federal grant, in an amount greater than \$25,000, is required to be given a copy of the Board policy and this administrative regulation concerning a drug-free workplace.

All employees will be notified that, as a condition of employment under the grant, the employee must abide by the terms of the statement and will notify the Superintendent or his/her designee of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

If an employee who worked on a federal grant is convicted, the federal agency will be notified within ten (10) days after the employer receives notice from an employee of such conviction.

One of the following actions will be taken within thirty (30) days of receiving notice with respect to any employee who is so convicted:

1. Take appropriate personnel action against such an employee, up to and including termination.
2. Require such 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.

The District shall make a good faith effort to continue to maintain a drug-free and alcohol-free workplace through implementation of this administrative regulation.

Disciplinary Action for Violation of Alcohol and Drug Policy

These procedures should be followed if a District employee is found to have violated the alcohol and drug policy.

1. Employees observed selling, possessing, or transferring controlled drugs and alcohol.
 - a. Employees will be reported to school administration immediately. The administration will notify the Superintendent or his/her designee immediately.
 - b. The Superintendent or his/her designee will become responsible for holding any suspicious materials and will issue a signed receipt for them.
 - c. The police will be notified and the material turned over to them for analysis and disposition in exchange for a written receipt. Any further action will be left to the police. No employee shall act in a law enforcement capacity.
2. Employees suspected to be under the influence of drugs or alcohol.
 - a. Employees shall be taken to the school nurse and shall be treated as a person who is ill. The Superintendent or his/her designee shall be immediately notified by the school administration. In case of emergency or if there is a clear and present danger to an employee's health, he/she will be immediately transported to the hospital.
 - b. Consistent with local, state, and federal law, employees found to be in possession of, using, or distributing illicit drugs or alcohol on school premises may be subject to termination of employment and prosecution.
 - c. Information about drug and alcohol counseling and rehabilitation and re-entry programs will be made available to employees and the completion of an appropriate rehabilitation program will be required as a condition of continued employment, if applicable.

PERSONNEL – CERTIFIED/NON-CERTIFIED

Regulation 4118.231(c) Regulation 4218.231(c)

3. Discovery of Controlled Drugs and Alcohol.
 - a. Any employee finding such material will deliver it immediately to school administration.
 - b. The school administration will investigate the matter and notify the Superintendent or his/her designee of the incident.
 - c. If the material is found to be or is suspected of being a controlled drug, the school administration will turn over the material to the police for analysis in exchange for a written receipt.
4. The Superintendent or his/her designee will review, monitor, and recommend any disciplinary action.

Sanctions for Violation of Smoking Policy

There shall be no smoking or other use of tobacco products on school property during regular school hours, on transportation provided by the District, or during the course of any trip sponsored by the District or under the supervision of the District or its authorized agents.

“Tobacco” includes but is not limited to cigarettes, cigars, blunts, bidis, pipes, chewing tobacco and all other forms of smokeless tobacco, rolling papers, and any other items containing or reasonably resembling tobacco or tobacco products, such as electronic cigarettes electronic nicotine delivery devices or systems (e-cigarettes), vapor products, chemicals or devices that produce the same flavor or physical effect of nicotine substances and any other tobacco or nicotine innovations.

1. First Offense: Upon the first violation, an employee found to be smoking in the school building or on the school grounds that does not result in property damage will receive a written warning that he/she is violating the school smoking ban policy and that any additional violation will lead to further disciplinary action including termination.
2. Second Offense: If the employee violates the smoking policy a second time that does not result in property damage, the employee will be immediately terminated.
3. Property Damage: If an employee is found to be smoking in the school building or on the school grounds which results in any property damage the employee will be immediately terminated.

Legal Reference: Drug-Free Workplace Act 102 Statute 4305-4308
Drug-Free Schools and Communities Act, Public Law 99-570, as amended
21 U.S.C. 812, Controlled Substances Act, I through V, 202
21 C.F.R. 1300.11 through 1300.15 regulation
Pro-Children Act of 2001, 20 U.S.C. § 7973, as amended by the Every Student Succeeds Act, Public Law 114-95, § 4001
54 Federal Regulation 4946 (1989)
Connecticut General Statutes §19a-342
Connecticut General Statutes §19-443(6)

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Regulation 4118.231(d)
Regulation 4218.231(d)

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