

## DRUG AND ALCOHOL FREE WORKPLACE

Admin. Reg. HRS-8  
April, 2017~~August, 2010~~

I. Purpose. To ensure the BCSD's vision of a learning and workplace environment free of drugs and alcohol.

### II. Definitions.

A. "Drug" shall mean and include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, cocaine, phencyclidine (PSP), opiate, or any other controlled or illegal substance, and shall further include any lawful prescription which is abused or otherwise misused by a BCSD employee.

B. "Workplace" includes any BCSD-owned building, including schools, any BCSD-owned vehicle, and any other BCSD-approved vehicle used to transport students to and from school or school activities. It also includes off-BCSD property during any BCSD or 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 BCSD.

### III. Expectations and Prohibitions.

~~A. "Workplace" includes any District-owned building, including schools, any District-owned vehicle or any other District-approved vehicle used to transport students to and from school or school activities. It also includes off-District 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.~~

~~B.A.~~ The ~~BCSD~~District is committed to providing a drug- and alcohol-free learning environment and workplace. Drug and alcohol use in the workplace, at school, or in connection with school sponsored activities on or off school grounds threatens and/or being under the influence of illicit drugs or alcohol in the workplace threaten the health and safety of students and employees and adversely affects the BCSD educational mission of the school system. Neither drugs nor alcohol shall be permitted on any BCSD property.

~~C.B.~~ No ~~BCSD employee shall~~ staff member will unlawfully manufacture, distribute, dispense, possess, ~~or~~ in any way transfer, or use any ~~drug~~illicit substances or alcohol on or in the workplace, at schools, or at a school sponsored activity. No ~~BCSD employee shall~~will perform any BCSD job-related duties at any time in which be under the influence of or use any illegal drug or alcohol in the workplace.

C. No ~~BCSD employees shall~~ abuse or otherwise misuse ~~are prohibited from~~ or use using medications lawfully prescribed by a physician in an unapproved ~~or abusive manner on or in the workplace, at schools, or at a school sponsored activity, while on duty or just prior to coming on duty.~~

D. No BCSD employee shall perform any job-related duty at any time in which any drug or alcohol exists in the employee's body.

**H.IV. Conditions of Employment.**

A. Any employee shall report any arrest for and the disposition of any criminal drug or alcohol statute in accordance with BCSD Administrative Regulation HRS-4, Staff Conduct.

B. As a condition of employment, each BCSD employs shall abide by the terms of this Administrative Regulation respecting a drug free and alcohol free workplace. An employee violating the terms of this Administrative Regulation shall be subject to discipline, up to and including dismissal from employment. Nothing in this Administrative Regulation shall limit the right of the Superintendent, in his/her discretion, to discipline an employee for violation of this Administrative Regulation.

~~A. As a condition of employment, staff will notify their principals or supervisors of their arrest or conviction of any criminal drug statute no later than three days after such arrest or conviction.~~

~~B. As a condition of employment, each employee must abide by the terms of this policy respecting a drug and alcohol free workplace. Any staff member who violates the terms of the District's drug and alcohol free workplace policy will be subject to disciplinary action including, but not limited to, non renewal, suspension, or termination from employment.~~

**III.V. ~~Drug and Alcohol Testing and Disciplinary Consequences of Refusal to be Tested and/or Violations of this Policy.~~ Employee Drug Testing.**

~~A. The District requires employees to submit to testing for controlled substances and/or alcohol if the administration has reasonable suspicion that the employee is engaging in prohibited conduct as defined in this policy. Any employee who appears to be under the influence of drugs or alcohol in violation of this Administrative Regulation shall be immediately placed on administrative leave, with pay, pending an investigation.~~

B. An employee shall submit to drug and/or alcohol testing as permitted by law and the needs of the BCSD dictate if the employee's supervisor has a reasonable suspicion the employee may be under the influence of drugs or alcohol. Reasonable suspicion exists if the employee's supervisor believes the actions, appearance, and/or conduct of the employee are indicative of the use of drugs or alcohol. This determination shall be made on an individual, case by case basis.

~~B. Reasonable suspicion observations will only be made by a District administrator, principal, or other administrator who has received at least 60 minutes of training on~~

~~the physical, behavioral, speech, and performance indicators of alcohol misuse and an additional 60 minutes on controlled substances use.~~

C. Any BCSD employee who drives a school bus and/or other BCSD owned vehicles requiring a Commercial Driver's License ("CDL") shall undergo drug and alcohol testing in compliance with the Omnibus Transportation Employee Testing Act of 1991.

D. For a non-transportation related workplace injury occurring to a BCSD employee, in the event employee drug and/or alcohol use is likely to have contributed to the accident or event causing the injury and the Superintendent and/or his designee have an objectionably reasonable basis for testing, the Superintendent and/or his designee reserve the right to order a drug and/or alcohol test of the involved employee(s) be completed.

~~C.E. Any employee who, when requested by his/her principal or supervisor, the Superintendent or his/her designee, or an Office of Human Resource Services administrator, refuses to submit to an established illegal drug and/or alcohol test or who shows a positive result from such test(s) shall be subject to discipline, up to and including dismissal will be subject to immediate dismissal from employment.~~

~~D. Nothing in this policy limits the right of the District, at its discretion, to terminate or otherwise discipline any employee for violating the system's drug and alcohol-free expectations.~~

~~IV. **Notification to Staff.** The Office of Human Resource Services will notify staff of the District's expectations that they be familiar with and abide by the terms of this policy.~~

Adopted: July, 2002

Revised: May, 2005; August, 2010; April, 2017

Legal References:

A. United States Code, as amended

1. 15 USC 631, Drug-Free Workplace Act
2. 21 U.S.C. 801, *et seq.*, Controlled Substances Act
3. 20 U.S.C. 6081 *et seq.*, Pro-Children Act of 1994

B. Federal regulations, as amended

1. 54 C.F.R. 4946 ~~(1/31/89)~~ - Relating to the Drug-Free Workplace Act
2. 21 C.F.R. 1300.11 through 1300.15 - Defining controlled substances

C. South Carolina Code, 1976, as amended:

1. Section 44-53-110, *et seq.* - Lists of illicit drugs
2. Section 44-53-370 - Unlawful for any person to possess scheduled drug unless obtained by valid prescription
3. Section 44-53-440 - Persons over 18 years of age who distribute a controlled substance to persons under 18 years of age shall be guilty of felony and sentenced to no more than 20 years with no

suspension or probation

4. Section 44-95-10 *et seq.* - S.C. Clean Indoor Air Act of 1990
5. Section 59-67-150 – Drinking alcoholic beverages on a school bus is prohibited