

ALCOHOL AND DRUG-FREE WORK PLACE
(Drug and Alcohol Use by Staff Members)

The Board of Education has a vital interest in the safety and well being of district employees and students. It is well recognized that individuals who use illicit drugs or abuse alcohol perform their jobs in a substandard manner, are more likely to have workplace accidents and incur greater amounts of lost time. In addition, such use may cause chronic, progressive and, in many cases, fatal health problems.

Therefore, the Board promotes a safe and secure work environment, free of illicit drug use and alcohol abuse, and shall comply with applicable federal law enforcing such an environment.

PROHIBITED CONDUCT

No employee of the Thompson School District shall knowingly and unlawfully manufacture, use, distribute, dispense, possess or be under the influence of alcohol, controlled substance (as defined by federal, not state, law), illicit drug or other drug, including anabolic steroids, while:

1. on district property at any time, or while driving a district vehicle or a personal vehicle on district business;
2. at any school-sponsored or sanctioned activity or event off district property or enroute thereto;
3. at any time or in any place which may adversely affect the health, safety or welfare of students or district personnel, the operations of the district, or the employee's fitness to perform his or her duties.
4. on the way to work.

"Unlawfully" means in violation of any federal, state or local law or regulation or in violation of any Board policy, rule or regulation. An employee whose alcohol concentration measures greater than .02 is considered to be in violation of this policy. "Controlled substances" means drugs specifically identified and regulated under federal law and include, but are not limited to, opiates, narcotics, cocaine, amphetamine and other stimulants, depressants, hallucinogenic substances and marijuana.

Observance of this policy is a condition of employment. Employees who violate this policy shall be subject to appropriate disciplinary action, which may include employment termination in accordance with applicable Board policies, or referral for prosecution. In appropriate circumstances and at the district's sole discretion, disciplinary sanctions may include the completion of an approved drug or alcohol abuse assistance or rehabilitation program. Any such program shall be at the employee's expense. However, the district is not required to offer rehabilitation in lieu of termination or other discipline to any employee who has violated this policy.

ENFORCEMENT

Reasonable Suspicion Determination

Employees shall submit to alcohol and/or controlled substance testing when the district has reasonable suspicion to believe that the employee has engaged in prohibited conduct as set forth in this policy. A reasonable suspicion may be found when a district employee, supervisor or other district official detects indicators of controlled substance or alcohol abuse and has made contemporaneous observations regarding another employee's physical appearance, behavior, speech and/or odor. The district will provide transportation to and from the testing site and will pay the cost of the initial testing.

Refusal to submit to reasonable suspicion testing is a direct act of insubordination and may

subject the employee to disciplinary action, including discharge.

Disciplinary Procedures

An employee shall be suspended immediately upon verification of a violation of this policy or after arrest for unlawful possession, sale or being under the influence of a controlled substance or illicit or other drug. An employee who performs safety-sensitive functions is also subject to immediate mandatory suspension after arrest for driving under the influence of alcohol or driving while impaired.

After investigation, the superintendent or designee may reinstate the employee if it appears to be in the best interests of the district.

If the investigation causes the superintendent or designee to continue the suspension in excess of 10 calendar days, the employee may request a hearing by the superintendent or designee to be conducted in a manner to insure that the individual suspended receives a fair, impartial hearing.

All employment decisions involving reinstatement, termination or dismissal shall be made in accordance with applicable Board policies. Any personnel matter taken under this policy must be reported to the Board.

Pursuant to law, any employee who is convicted or pleads “nolo contendere” under any criminal drug statute for a violation occurring in the workplace shall notify the superintendent no later than five days after the conviction or entry of the plea. The district has an obligation under federal law to notify the appropriate federal agency within 10 calendar days after receiving notice of such conviction or plea if there is a relationship between federal funds received by the district and the convicted employee’s work site.

PREVENTION AND COMMUNICATION

Recognizing that drug and alcohol abuse problems are treatable, the district encourages employees who use or abuse drugs or alcohol to contact the district’s employee assistance program for support, guidance and resources. If participation in a drug or alcohol abuse assistance or rehabilitation program is appropriate or necessary it will be at the employee’s own expense; the employee’s out-of-pocket cost may be reduced based on the employee’s insurance coverage. Voluntary participation in or successful completion of such a program shall be considered as a mitigating circumstance should the employee be subject to disciplinary action. However, the district is not required to offer rehabilitation in lieu of employment termination or other discipline to any employee who has violated this policy.

The superintendent or designee shall implement an awareness program to inform employees about:

1. the dangers of drug and alcohol abuse;
2. the Board’s policy of maintaining a drug-free workplace;
3. available drug and alcohol counseling, rehabilitation programs, and the employee assistance program;
4. Penalties that may be imposed upon employees for violation of this policy.

This policy and related information shall be communicated to all employees annually. Each employee shall confirm receipt of this policy by signing a written acknowledgment.

The Board shall conduct a periodic review of its awareness and prevention program to determine its effectiveness, and implement appropriate changes.

Adopted Spring 1990
Revised October 3, 1990
Revised November 1, 2000
Revised August 20, 2008
Revised April 21, 2010
Revised May 16, 2012
Revised June 19, 2013
Statutory Reference Revised per CASB January 23, 2014

Legal refs.: 20 U.S.C. 7101 et seq. (Safe and Drug-Free Schools and Communities Act)
21 U.S.C. 812 (definition of controlled substance)
41 U.S.C. 8101 and 8102 (Drug-Free Workplace Act of 1988)
34 C.F.R. Part 84 (regulations implementing Drug-Free Workplace Act)
Colo. Const. Art. VX111, Section 16(6) (employers may restrict marijuana use, possession, sale, etc. by employees)
C.R.S. 18-18-407 (2) (crime to sell, distribute or possess any controlled substance on or near school grounds or school vehicles)
C.R.S. 25-1.5.106 (12) (b) (possession or use of medical marijuana in or on school grounds or in a school bus is prohibited)
C.R.s. 25-14-103.5 (boards of education must adopt policies prohibiting use of retail marijuana on school property)

Cross refs.: EEAEAA*, Drug and Alcohol Testing for Bus Drivers
GBEA, Staff Ethics/Conflict of Interest
GBGA, Staff Health
GCQF, Discipline, Suspension and Dismissal of Professional Staff
GDQD, Discipline, Suspension and Dismissal of Classified Staff