

## Drug & Alcohol Free Workplace

The Fargo Public School District enforces the Drug-Free Workplace Act and prohibits employees from:

1. Unlawfully manufacturing, distributing, dispensing, possessing, or using a controlled substance\* or alcohol on district property and grounds, in any vehicle belonging to the District, and at any school-related activity.
2. Knowingly or intentionally aiding or abetting in any of the above activities.

*\* The term “controlled substance” means any drug listed in 21 U.S.C. 812 and other federal regulations. Such drugs include, but are not limited to heroin, marijuana, cocaine, narcotic drugs, steroids, hallucinogens, and illegal stimulants or depressants. Controlled substances as used in this policy also includes medical cannabis authorized under N.D.C.C. ch. 19-24.1 or adult use cannabis authorized by another state.*

### Awareness Program

The District shall create an employee drug-free awareness program in accordance with federal law.

### Policy Dissemination

The Human Resources Department shall give a copy of this policy to each employee and maintain documentation of receipt of this information.

### Violation Reporting

As a condition of employment, each employee shall agree to abide by this policy and notify the Human Resources Department of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. The Human Resources Department shall, in accordance with law, notify the appropriate federal agency after receiving any notice of a conviction for a violation occurring in the workplace. An employee is also required to inform his/her immediate supervisor when the employee’s ability to perform job duties is impaired due to on- or off-duty controlled substance use.

### Violations

Violations of this policy may result in the following:

1. Mandatory participation in the Employee Assistance Program (EAP) and/or a rehabilitation program.
2. Unpaid leave or suspension
3. Termination of employment. Due process procedures shall be followed prior to termination, if applicable.
4. Notification of proper law enforcement authorities.

### Assistance

Fargo Public Schools recognizes that alcohol and drug addiction is a treatable disease and that early intervention and support improve the success of rehabilitation. The District shall offer an Employee Assistance Program (EAP) to assist in rehabilitation and intervention efforts. Use of

the EAP will not jeopardize employment or promotion opportunities. Treatment for alcohol and/or drug addiction may be covered by the employee benefit plan; however, the ultimate financial responsibility for this treatment belongs to the employee.

Fargo Public Schools recognizes chemical abuse is a serious problem that adversely affects the educational process. The Board recognizes that responsible leadership is a critical component of an appropriate and effective response to this problem. The District is, therefore, committed to the development and implementation of programs and policies that contribute to the well-being of employees through prevention, intervention, aftercare and staff development. These components are defined as:

- Prevention: An educational process that promotes the development of healthy self-attitudes and provides employees with information and interactions needed to make responsible decisions regarding chemical/alcohol use.
- Intervention: An established process in which caring persons confront an individual with data regarding his/her chemically-related behaviors in an effort to help that individual seek appropriate corrective measures.
- Aftercare: An organized support system for recovering chemically dependent individuals.
- Staff Development: A process through which employees acquire the knowledge and skills required to constructively respond to the problems of chemical/alcohol abuse.

### **Alcohol and Drug Use Prevention and Intervention Process**

#### **I. Prevention**

- A. Workshops and in-service sessions will be provided to employees through the use of:
  1. Community agencies and organizations that provide chemical abuse and dependency services.
  2. Contracted specialists in chemical abuse and dependency.
- B. Employees will be informed of changes in district chemical use-abuse policy and procedures.
- C. An Employee Assistance Program will be maintained with the purpose of being the provider of chemical abuse related services to Fargo Public School employees.

#### **II. Intervention**

- A. The Fargo Public Schools recognize all forms of chemical dependencies as illnesses, which will respond favorably to appropriate treatment.
- B. If such chemical dependency or chemical use can be shown to interfere with the ability of an employee to carry out employment responsibilities in a satisfactory manner, corrective measures will be taken. If combined with other known facts, disciplinary measures from temporary removal to reassignment or termination may be used.
- C. Administrators and other supervisory personnel will be alert to behaviors, which may be indicative of an employee who is harmfully involved with chemicals/alcohol.

The following behaviors are offered as examples:

1. Unexcused and frequent absences
2. Involvement with the law
3. Altercations with other employees

4. Deteriorating personal appearance
  5. Poor judgment
  6. Moodiness, depression, abrupt or wide mood changes
  7. Increasing complaints or unusual "problems with people"
  8. Concern expressed by others, such as students, parents, or co-workers
- D. When an administrator or supervisor observes an employee's job performance is unsatisfactory and suspects that chemical/alcohol abuse is involved, the following steps may be taken:
1. Verbal Warning
    - a. The administrator or supervisor will meet with the employee and discuss the performance concerns and possible remedial action
    - b. The administrator or supervisor should suggest the Employee Assistance Program for any personal problems.
    - c. All steps taken by the administrator or supervisor must be documented.
    - d. The administrator or supervisor will follow up with employee within a specified period.
  2. Written Warning
    - a. If the employee's performance does not improve to an acceptable level within a reasonable time period, not to exceed 60 workdays, the administrator or supervisor will meet with the employee and issue a written warning to officially recognize unsatisfactory work performance. The written warning will be forwarded to the Human Resources Office for placement in the employee's personnel file.
    - b. Administrators and supervisors will proceed with a formal referral to the Employee Assistance Program.
    - c. All steps taken by the administrator or supervisor must be documented.
  3. Chemical Dependency Treatment
    - a. If an employee receives treatment for chemical dependency, the district expects the employee to participate in a program of care to the extent recommended by the treatment center medical provider.
    - b. Once the treatment center medical provider releases the employee to return to work following chemical dependency treatment, the employee will meet with their supervisor to review performance expectations and schedule follow-up meetings.
  4. Suspension-Termination.
    - a. An employee whose job performance remains unsatisfactory despite verbal and written warnings may be terminated if the treatment protocol is not followed, the employee is unwilling to seek treatment, or treatment does not result in satisfactory improvement. Due process procedures shall be followed prior to termination, if applicable.
- E. Crisis Intervention - When an employee comes to work under the influence of alcohol or other drugs, the following steps must be taken by the administrator or supervisor:
1. See that the employee is safely removed from the work site.

2. Inform the employee that they may not return to work until a chemical use evaluation has been scheduled and attended with an appropriate agency or clinician and has been verified by the supervisor and Human Resources.
    - a. Employee Assistance is an appropriate agency to schedule an evaluation.
    - b. The employee must keep the appointment and follow the recommendations made as a result of the evaluation.
    - c. It is the responsibility of the employee to provide verification that recommendations are being followed.
- F. Supervisor procedure when “reasonable suspicion” of drug or alcohol use exists with a Fargo Public Schools’ employee:
1. Observe the behavior of the employee.
    - a. Consideration can be given to one or all of the following: walking/standing, speech, demeanor, actions, eyes, face, appearance/clothing, breath, movements, eating/chewing, judgment.
  2. If you ‘reasonably suspect’ the employee may be under the influence of drugs or alcohol, obtain a second opinion from another supervisor and contact Human Resources.
  3. If the employee is in a safety-sensitive position, remove the employee from the immediate worksite (i.e. ask them to sit in an office).
  4. If the second supervisor agrees with the suspicions:
    - a. Privately confront the employee and request them to sign a consent form (attached) for testing to identify whether there is a presence of drugs or alcohol. Testing will be done for both. If the employee refuses to sign the consent form, arrange for transportation to drive them home at District expense and promptly and thoroughly document the events and behaviors. Refusal to sign the consent form and/or refusal to test may result in suspension or termination of employment. If the employee agrees to sign the consent form, proceed to (b.) below.
    - b. Call the testing site (Sanford Health Occupational Medicine Clinic) to let them know you are sending an employee of Fargo Public Schools for alcohol and drug testing. Between 7:30 and 5:00 M-F, (701-234-4700), 3838 12<sup>th</sup> Avenue North, Fargo. After hours and on weekends, contact Sanford Emergency Room (701-234-2000), 720 4<sup>th</sup> Street North, Fargo.
    - c. Arrange for transportation by either having a supervisor and one other supervisor/administrative staff member drive the employee to the testing site or have a supervisor and one other supervisor/administrative staff accompany the employee in a cab to the testing site.
    - d. After the test, accompany the employee home in a cab or have the two supervisory/administrative staff members drive them home.
    - e. The employee will be suspended until the test results are verified.
    - f. All test results will be reported to the Human Resources office.

- g. Appropriate follow-up will be documented by building or district-level administration.

III. Aftercare

The Fargo Public School District recognizes aftercare is a necessary component of the treatment process. Employees who are returning to work after treatment for chemical dependency are encouraged (and/or may be required dependent on circumstances) to participate in an appropriate aftercare program.

IV. Staff Development

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

1. All employees will receive an electronic copy of the policy. Paper copies will be made available upon request by contacting Human Resources.
2. The policy will be reviewed in orientation sessions with new employees.
3. The policy and assistance programs will be reviewed at staff meetings.
4. Posters and brochures will be available at all locations.
5. Supervisors will receive training to help recognize and manage employees with alcohol and other drug problems.

**Confidentiality**

All information received by the District as a result of this policy is confidential. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and the policies of Fargo Public Schools.

*N.D.C.C. § 19-24.1-33*

Adopted 9/10/96  
Reviewed 12/1/02  
Reviewed 7/2006  
Reviewed 8/2012  
Revised 7/2015  
Revised 10/2021  
Revised 7/2023

EMPLOYEE CONSENT FORM

I, \_\_\_\_\_ (employee name), give my consent to Fargo Public Schools and to Sanford Health to perform the appropriate test(s) to identify the presence of drugs and/or alcohol. Furthermore, I give my permission for the test results to be released to Fargo Public Schools.

I understand that refusal to take this test, attempts to adulterate the sample, or a positive test may result in Fargo Public Schools terminating my employment.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

Administrative Personnel Signature Verification:

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