

DRUG-FREE WORKPLACE

- Required**
 Local
 Notice

The Board of Education prohibits the illegal, improper or unauthorized manufacture, distribution, dispensing, possession or use of any controlled substances in the workplace. "Workplace" shall mean any site on school grounds, at school-sponsored activities, or any place in which an employee is working within the scope of his/her employment or duties. "Controlled substances" shall include all drugs which are banned or controlled under federal or state law, including those for which a physician's prescription is required, as well as any other chemical substance which is deliberately ingested to produce psychological or physiological effects, other than accepted foods or beverages.

1. No person may use, possess, sell, manufacture or distribute alcohol or other substances, nor may use or possess drug paraphernalia, on school grounds or at school-sponsored events, except drugs as prescribed by a physician.
 - a. The terms "alcohol and other substances" shall be construed throughout this policy to refer to the use of all controlled substances and other illegal drugs including but not limited to alcohol, tobacco, e-cigarettes, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes, and any synthetic version thereof (whether or not specifically illegal or labeled for human consumption), commonly referred to as "designer drugs." Designer drugs are those substances which have been designed and synthesized to mimic the intended effects and usages of, and which are chemically substantially similar to, substances controlled by federal and/or state law as exemplified above. The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.
 - b. The possession of tobacco products by a person over the age of twenty-one (21) other than a student would not be considered a violation of this policy.
2. The School District shall:
 - a. Notify all employees and employees of subcontractors in writing and specify the actions that will be taken against employees or other persons for violation of such prohibitions, which may include disciplinary measures addressed in Education Law 1711(5)(e), 3020-a, and 913, or any other provision of law.
 - b. Establish a drug/alcohol-free awareness program to inform employees about:
 - i. The dangers of drug/alcohol abuse in the workplace;
 - ii. The School District's policy of maintaining a drug-free workplace;
 - iii. Any available drug counseling, rehabilitation, and employee assistance program; and

- iv. The penalties that may be imposed upon employees for drug abuse violations.
 - c. Notify the employee in the above notice that as a condition of employment on any direct federal grant, the employee will abide by the terms of the statement, and that the employee will notify the School District of any criminal arrest, and conviction for drug-related activity in the workplace no later than five days after such arrest or conviction.
3. The Superintendent shall notify the Board of Education of any such conviction(s), and shall notify the granting agency within ten (10) days after receiving notice of such conviction(s) from any source.
4. The School District shall take one of the following actions within thirty (30) days of receiving notice with respect to any employee who is so convicted:
 - a. Take appropriate personnel action against such an employee, up to and including termination; or
 - b. 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 enforcement, or other appropriate agency.
5. The School District in collaboration with the School District's collective bargaining units will establish an Employee Assistance Program that will provide appropriate and confidential prevention, intervention, assessment, referral, support and follow-up services for School District staff who seek assistance with alcohol and other substance use/abuse related problems, emotional problems, mental illness and other human problems. School District staff will be informed as to the services they can receive through the Employee Assistance Program and encourage to seek such help voluntarily. When an employee's unsatisfactory performance may be the result of drugs, alcohol, or other substance abuse, the School District's supervisory personnel will encourage employees to manage and move toward a resolution of their problems on their own with the help of the Employee Assistance Program.
6. The School District shall publish a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace (as defined by School District policy). The statement shall specify the actions that will be taken against employees for violations of such prohibition. Each employee shall receive a copy of this statement and the Drug-Free Workplace Act of 1988.

The Superintendent of Schools or his/her designee shall implement related regulations which outline the requirements of the federal Drug-Free Workplace Act of 1988.

Ref: Drug-Free Workplace Act (DFWA), 41 U.S.C. §§702-707
Controlled Substances Act, 21 U.S.C. §812
21 CFR §§1300.11-1300.15
34 CFR Part 85 (U.S. Dept. of Ed. Regulations under the DFWA)
Civil Service Law §75
Education Law §3020-a

Policy Adopted: June 13, 1991
Amended: January 16, 2019

DRUG-FREE WORKPLACE

It is the policy of Hewlett-Woodmere School District to maintain a drug free workplace. In order to implement this policy the Superintendent and/or his designee will:

1. prepare and publish a statement certifying to Federal agencies to which the District applies for direct grant assistance that the District has taken steps and will continue to take steps to maintain a Drug-Free Workplace;
2. establish a "drug-free awareness program" designed to inform employees about
 - a) dangers of drug abuse in the workplace
 - b) the policy of maintaining a drug- free workplace
 - c) drug counseling or rehabilitation and employee assistance programs available to the employee
 - d) the penalties for violating the drug-free workplace policy;
3. publish a statement notifying District employees that the unlawful manufacture, distribution, dispensation, possession or use of controlled substance is prohibited in the workplace, which statement shall include the specific actions to be taken against employees who violate the prohibition and which statement shall be distributed to each employee;
4. notify each employee that as a condition of employment each employee shall abide by the District's Drug-Free Workplace policy and shall be required to notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace within five days of the conviction;
5. establish provisions for the notification of such criminal drug statute conviction to the Board of Education and the Federal agency making the grant within ten days after receiving notice of the conviction;
6. establish and implement ~~of~~ appropriate disciplinary action to be taken within 30 days of receiving notice of such conviction for criminal drug statute violations, up to and including termination, and/or requiring the satisfactory participation in drug abuse assistance or rehabilitation programs approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency;

7. continue the District's continued good faith efforts for maintaining a drug-free workplace through the implementation of the regulations.

Legal Reference:

Drug-Free Workplace Act 1988 (41 U.S.C. Sec. 701 et seq.,
Subtitle D of the Anti- Drug Abuse Act of 1988)

Regulation Adopted:

June 13, 1991