

Monitored  
 Mandated  
 Other Reasons

Regulation

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EMPLOYEE SUBSTANCE ABUSE

1. Purpose and Description

The Board of Education recognizes that any employee who reports to work under the influence of drugs, alcohol, or controlled dangerous substances poses a significant threat to their health, safety, and welfare and the health, safety, and welfare of others, including students and other staff members. An employee is prohibited from possession, use, distribution, or being under the influence of any substance during work hours or on a school worksite as defined by this Policy. The Board has an obligation and the right to maintain a safe and healthy work environment for its students and staff members and adopts this Policy as an important component toward maintaining a safe environment in the school district. The Board strongly advises any employee who has a dependency on a substance as defined in this Policy to seek appropriate treatment.

2. Definitions

- A. "Substance" or "substances" shall be defined as alcoholic beverages, any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, or any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4, and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
- B. "Worksite" shall be defined as any school building, school premises, school-owned vehicles, or school-approved vehicles used to transport students to and from school or school activities. Worksite shall also include off-school property during any school-sponsored or school-approved activity, event, or function, such as field trip, banquet, or athletic event, where students are under the jurisdiction of the school district. Worksite shall also be defined as any motor vehicle, office, building, yard or other location at which a driver is to perform work.

3. General – All Employees

- A. Any employee who reports to work or worksite under the influence of or in possession of any drug, alcohol, or substance as defined in this Policy will be subject to appropriate discipline, which may include nonrenewal, suspension, termination, or the filing of tenure charges for a tenured employee in accordance with law.

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- B. An employee shall be required to submit to an immediate medical examination to include a substance test if the employee’s supervisor has reasonable suspicion to believe the employee is under the influence of a substance during work hours. Refusal of an employee to consent to the medical examination and substance test shall be determined to be a positive result. Any required examination and testing pursuant to this subsection shall be paid for by the Board. The employee will be afforded the opportunity to have any test results confirmed using acceptable test confirmation practices. This confirming test shall be paid for by the employee.
- C. In the event an employee’s medical examination and substance test results are negative for a substance, any documents or records pertaining to the requirement for the examination and test and results will not be maintained by the school district.
- D. In accordance with the requirements of N.J.A.C. 6A:16-6.3(a) and subject to N.J.A.C. 6A:16-6.5, any employee who, in the course of their employment, has reason to believe a school staff member has unlawfully possessed or in any way been involved in the distribution of a substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the Principal, or in the absence of the Principal, to the staff member responsible at the time of the alleged violation. Either the Principal or the staff member shall notify the Superintendent of Schools who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information. The Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the staff member involved.
- E. In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)(3), the Superintendent or designee shall not disclose the identity of an employee who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or drug abuse problem, provided the employee is not reasonably believed to be involved or implicated in drug-distribution activities. An admission by an employee in response to questioning initiated by the Principal or designee or following the discovery by the Principal or designee of a substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.
- F. Pursuant to N.J.S.A. 2C:51-2, an employee whose involvement with drugs or substances that results in a conviction for a crime of the third degree or above, for an offense involving dishonesty, or for an offense touching his/her position shall be deemed to have forfeited his/her public employment. “Involving or touching such office, position or employment” means that the offense was related

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directly to the person's performance in, or circumstances flowing from, the specific public office, position or employment held by the person. An employee who is convicted of a drug related offense must report the conviction to the Superintendent within five days of its occurrence. Within ten days of the date on which the Superintendent received notice of the conviction, the Superintendent shall report such conviction resulting from drug use in the workplace to any federal agency from which the district has received funds through a grant.

G. Illegal gambling is not permitted in any worksite.

H. Smoking in a school building, on school grounds, or on any worksite is prohibited.

4. Work Performance in Connection with a Federal Grant

A. In order for the school district to qualify for any direct federal grant, the district must certify that it will provide a drug-free workplace and maintain a good faith effort to continue to maintain a drug-free workplace. To this end, employees engaged in school worksites as a result of a federal grant shall in addition to complying with requirements of the programs, also be in strict compliance with this Policy.

B. The Superintendent shall notify all employees whose work performance is done in connection with a federal grant that they are to notify the Superintendent and/or designee of convictions of any criminal drug statute violation occurring in the workplace. Pursuant to 41 U.S.C. 8103(a)(1)(d)(ii), employees must notify the Superintendent and/or designee no later than five days after such conviction. Pursuant to 41 U.S.C. 8103(a)(1)(e), the Superintendent and/or designee shall notify the federal grant program of such conviction within ten days of receipt of said conviction.

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