Montgomery County Schools

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TO: Board of Education

FROM: Kevin Lancaster

DATE: March 7, 2011

SUBJ: Agenda Item (Section V – Policies and Regulations – First Reading)

Attached are the Montgomery County Board of Education policies for review. The policies will be voted on for final approval at the April 4, 2011 board meeting.

I will be available to answer any questions you may have.

DRUG-FREE AND ALCOHOL-FREE WORKPLACE

Policy Code: DRAFT **7240**

The board of education recognizes that reducing drug and alcohol abuse in the workplace improves the safety, health and productivity of employees. It is the policy of the board of education that a drug-free and alcohol-free workplace must be maintained.

A. PROHIBITED ACTIVITIES

The board prohibits the unlawful manufacture, sale, distribution, dispensing, possession, or use of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroids, alcohol, counterfeit substances or any other controlled substance as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. §812) and further defined by regulation at 21 C.F.R. 1300.01 through 1300.04. Employees must not be impaired by the excessive use of prescription or nonprescription drugs. This policy is not violated by an individual's proper use of a drug lawfully prescribed for that individual by a licensed health-care provider.

Employees are prohibited from using or being under the influence of alcohol while acting in the course and scope of employment duties, while at school-sponsored activities or while on school property. This policy does not apply to an employee's consumption of alcoholic beverages that are served at a reception or other similar function that occurs outside the regular workday and that the employee is authorized or required to attend as a part of his or her employment duties.

The school system reserves the right to test employees whose duty it is to (1) drive a vehicle,(2) repair vehicles, or (3) who may use potentially dangerous equipment including but, not limited to, mowers, drills, saws, and the like. Also any employee who provides armed security and other persons in similar safety, sensitive positions may be tested any time prior to or during employment. The system reserves the right to test any employee upon reasonable suspicion of being impaired or of using illegal substances.

Any employee who refuses to submit to any test to detect alcohol and/or drug use or refuses to submit to search procedures after reasonable suspicion is established may be suspended immediately pending consideration of a decision to terminate employment

B. APPLICABILITY

This policy governs each employee before, during or after school hours while the employee is on any property owned or leased by the board of education; at anytime during which the employee is acting in the course and scope of his or her employment with the board of education; and at any time that the employee's violation of this policy has a direct and adverse effect upon his or her job performance.

C. DUTY TO REPORT

An employee must notify his or her supervisor in writing of any conviction under any criminal drug statute for a violation occurring within the scope of paragraph two of this policy. Notification must be given not later than the next scheduled business day after such conviction, in accordance with policy 7300, Staff Responsibilities. Within 10 days of receiving a notice of conviction by an employee whose position is funded in any part by a federal grant, the director of human resources or designee shall notify the funding agency of the conviction. "Conviction" as used in this policy includes the entry in a court of law or military tribunal of: (1) a plea of guilty, *nolo contendere,* no contest or the equivalent; (2) a verdict or finding of guilty; or (3) a prayer for judgment continued ("PJC") or a deferred prosecution.

D. CONSEQUENCES

Violation of this policy will subject an individual to disciplinary action by the board of education that could result in non-renewal or termination of employment with the school district or the requirement that the employee participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program approved by the board of education or federal, state or local health, law enforcement or other appropriate agency. Information concerning available counseling, rehabilitation and re-entry programs will be provided to employees.

All employees receive a copy of this policy.

Legal References: 21 U.S.C. §812; 41 U.S.C. §701 et seq.; 21 C.F.R. § 1300.01 04; G.S. 20-138.2B; 115C-26

Cross References: Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Staff Responsibilities (policy 7300)

Adopted: May 1, 2000
Updated: April 6, 2009
Updated: August 3, 2009

Updated: March 5, 2010
Updated:

EMPLOYMENT OF ADULT SCHOOL BUS DRIVERS

It is the belief of the Montgomery County Board of Education that the majority of adult bus drivers should be employed from among those individuals who are employed by the school system. The board of education believes that the interest of student safety can best be met when school bus drivers are available at school throughout the day. Therefore, the Montgomery County Board of Education enacts the following:

> It will be the policy of the Montgomery County Board of Education that bus drivers who are employed by the school system will be selected from among ~~the students~~ adults who are eighteen (18) years of age or older, ~~adult~~ members of the school staff who are employed as teacher assistants, technology assistants, cafeteria staff, custodial staff, and non-employees of the school system. Serving as a school bus driver will be a condition of employment for cafeteria staff, custodial staff, teacher assistants and technology assistants~~, cafeteria workers, or custodial staff members~~.

The board of education may find it necessary to terminate employees in the categories named above in order to fill positions by individuals who agree to drive a school bus. All existing job descriptions affected by this policy are hereby amended to include driving of school buses as part of the duties. ~~An exception, however, will need to be made for employees who have a disability recognized by the Americans with Disabilities Act that prevents them from bus driving. Such a decision may be made on a case by case basis.~~

ADMINISTRATION OF BUS DRIVER EMPLOYMENT

- As of November 7, 1995, any new employee in the categories listed is required to be licensed to drive a bus within 120 days of employment.
- All individuals in those categories will be required to possess a bus license and drive if needed
- All individuals employed in these categories since July 1, 1991, will be required to have bus license and drive if needed. Failure to accept this duty could result in termination of employment. All individuals within this category will be reviewed on a case by case basis. ~~The American Disabilities Act regulations could be an exception~~.

- Effective May 1, 2011 bus drivers are limited to a six (6) month medical exemption or face possible termination if they are unable to drive after that length of time.

- Licensed bus drivers assigned to one campus may be required to drive for another school on an as needed basis.

- Administrators are encouraged to schedule hours to benefit those driving a bus. Every effort will be made not to exceed a 40-hour workweek for noncertified personnel; however, overtime will be allowed when it is prudent and the most feasible action to take. Overtime will need approval of the central office.

- In the category of cafeteria employees, the cafeteria manager and one other cafeteria employee selected by the manager are exempt because of the necessity of the presence of at least two people for the preparation of the breakfast program.

- Employees will not be held captive. No full-time employees will be taken off the clock except for special arrangements. Example: A custodian that performs some duties during the school day and some duties at night.

Legal References:

Adopted: May 1, 2000
Updated: November 2, 2009

Montgomery County Schools
Condition for Employment as a Dual Employee

I understand that as a condition of employment with Montgomery County Schools as a teacher assistant, technology assistant, cafeteria staff or custodial staff I must take the next available bus driving class offered by Montgomery County Schools in order to qualify for my bus driver's license.

I also understand I may be required to drive on a full-time or part-time basis and must be available to do so.

Failure to comply with the above requirements will result in dismissal.

Name (please print)_____
First Middle Last

Signature_____Date_____