

DRUG-FREE WORKPLACE

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 district or school grounds, at school-sponsored activities, or any place in which an employee is working within the scope of their 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. All applicants selected for employment with the Rochester City School District shall be subject to a pre-employment drug test.

Consistent with the change to New York Labor Law §201-d, the District shall not conduct pre-employment drug testing for marijuana, for most employees. The District is required to continue to test for marijuana for those employees required to be licensed or otherwise cleared by the Federal Departments of Transportation or Labor (e.g. Commercial Drivers' License), including, but not limited to:

1. 12 month Bus Driver
2. 10 month Bus Driver
3. Class 5 Truck Driver
4. Maintenance Mechanic I
5. Driver/Mover
6. Messenger/Stock keeper
7. Safety Coordinator
8. Bus Operations Expeditor
9. Senior Automotive Mechanic
10. Troubleshooter
11. Bus Security Assistant
12. 12 month Dispatcher
13. 10 Month Dispatcher

This policy only applies to pre-employment drug testing. Any employee suspected of being under the influence of any drug, including marijuana, while working is still subject to the provisions of the District procedures.

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

Cross-ref: Organization Chart (3230)

Ref: Drug-Free Workplace Act (DFWA), 41 U.S.C. §§702-707
21 CFR §§1300.11-1300.15
34 CFR Part 85 (U.S. Dept. of Ed. Regulations under the DFWA) 49 CFR Part 40 (U.S. Dept. of Transportation Drug and Alcohol Regulation) Civil Service Law §75
Education Law §3020-a
Patchogue-Medford Congress of Teachers v. Board of Education, 70 NY2d 57 (1987)

Notes: Policy added, August 20, 1998; Amended December 13, 2012 pursuant to Resolution No. 2012-13: 375; Amended May 27, 2021, pursuant to Resolution No. 2020-21: 843; Modified pursuant to Resolution No. 2021-22: 253 November 2, 2021; Amended November 7, 2023 pursuant to Resolution No. 2023-24: 420

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November 7, 2023