

BOARD OF TRUSTEES
HUMBOLDT COUNTY SCHOOL DISTRICT

POLICY 3060
BUSINESS, NON-INSTRUCTIONAL

DRUG AND ALCOHOL FREE WORKPLACE

I. PURPOSE

Humboldt County School District is concerned with the health, welfare and well-being of its employees and the general public. Drug and alcohol use and abuse at the workplace are inconsistent with good employee job performance and will have an adverse effect on employee job performance, with the possibility of creating a situation that is dangerous or threatening to the safety and well-being of the employee, fellow employees, the general public and students in the workplace. The District is equally concerned that goals be successfully accomplished and the District's positive image not be compromised in any way. To address the concerns of the District and to maintain employee productivity, the District has determined the following policy and procedures should be maintained regarding the use of drugs and alcohol while employees are performing their duties in the workplace.

II. POLICY

The policy of the Humboldt County School District is to maintain a drug and alcohol free workplace, and such policy prohibits the unlawful manufacture, distribution, dispensation, possession and use of a controlled substance or the possession and use of alcohol in the workplace and prohibits any employee from performing or attempting to perform their job duties, including extra duty responsibilities, while under the influence of a controlled substance or alcohol. Employee violation of the policy or conduct prohibited by this policy statement is cause for employee disciplinary action as set forth in this policy statement.

III. PROHIBITED CONDUCT

The unlawful manufacture, distribution, dispensation, possession or use of any controlled substance or the possession and use of alcohol while on District owned or operated facilities or while operating equipment or vehicles and/or during time the employee is in the service or employment of the Humboldt County School District is prohibited.

IV. PROCEDURES

A. DRUG USE IN THE WORKPLACE

1. Employees must not report to the workplace while under the influence of controlled substances, alcohol or any substance which is intended to cause an altered state of

mind.

2. Employees taking physician prescribed medication must notify their immediate supervisor if there is any likelihood that such medication may have an impact on employee job performance and/or safety.
3. Information regarding the effects of a controlled substance and alcohol abuse and the adverse impact it can have on employees, their families and coworkers will be made available through the Superintendent's Office.

B. SCREENING OF JOB APPLICANTS/EMPLOYEES

1. Any potential new employee considered for hire by the District may be subject to an investigation regarding information provided on the job application or employment interviews concerning the manufacture, distribution, dispensation or possession or use of a controlled substance or alcohol and/or concerning their record or previous workplace performance while under the influence of controlled substance or alcohol and/or their conviction for violation of any Federal or State law related to the manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol.
2. Any current employee will not be required to submit to drug and alcohol use and abuse investigation and/or testing unless the employee's supervisor has reasonable cause to believe, based on specific factors personally observed or personally learned by the supervisor about the employee that the supervisor can articulate concerning appearance, behavior or speech of the employee, that the employee is under the influence or impaired by a controlled substance or alcohol at the workplace. In such a case the employee will be advised of the specific factors and asked to submit to a drug test at a medical facility selected by the District, unless the employee requests treatment or counseling prior to any action by the supervisor and there is a concurrence of the supervisor and the Superintendent at a counseling conference. Repeated incidents of controlled substance or alcohol use or abuse at the workplace will result in the employee being requested to submit to a drug test at a medical facility.

C. REASONABLE CAUSE

- I. Circumstances which constitute a basis for determining reasonable cause may include but are not limited to:
 - a) Direct observation of drug or alcohol use by the employee.
 - b) A pattern of abnormal conduct or erratic behavior by the employee.
 - c) A single event that provides evidence of impairment.

- d) Possession of a controlled substance or alcohol and/or physical symptoms of being under the influence of a controlled substance or alcohol.
- e) Arrest or conviction of the employee for a controlled substance or alcohol related offense or the identification of an employee as the focus of a criminal investigation into possession, use or trafficking of a controlled substance.

D. PERSONNEL ACTIONS

Personnel actions will be implemented at the appropriate level based on severity of the given incident.

Potential personnel actions for violation of the drug and alcohol free workplace policy include but are not limited to the following:

1. Verbal inquiry and discussion with the employee and documentation in the employee personnel file.
2. Written reprimand and discussion with the employee and documentation in the employee personnel file.
3. Information recommending the employee to participate in counseling and/or treatment and documentation in the employee personnel file.
4. Formal recommendation and requirement to employee to participate in counseling and/or treatment as a condition of continued employment and documentation in the employee personnel file.
5. Probation or suspension of the employee until the terms and conditions of the recommendation for treatment and/or counseling are completed.
6. Placement of the employee on leave with or without pay status until the recommended treatment and/or counseling is satisfactorily completed.
7. Termination.

E. INFORMATION/ASSISTANCE

1. A copy of the Humboldt County School District Drug and Alcohol Free Workplace Policy will be distributed to each District employee within thirty (30) days of formal adoption of the policy and will be provided to each new employee upon hiring.
2. All questions related to the Drug and Alcohol Free Workplace Policy, potential personnel action and appeals must be directed to the Superintendent's Office.

3. The Superintendent's Office shall maintain an up to date file of information on:

- a) The programs and benefits concerning controlled substance and alcohol abuse in the workplace.
- b) Programs available for rehabilitation, counseling and employee assistance.
- c) Penalties that may be imposed upon employees for controlled substance and alcohol abuse violations in the workplace and for failure to obtain or complete counseling and assistance for controlled substance and alcohol abuse when the same is required.

F. NOTICE

- 1. Any agency of the District receiving Federal funds either through contract or grant shall provide that each employee engaging in the performance of the contract or performance of the grant be given a copy of the Humboldt County School District Drug and Alcohol Free Workplace Policy statement together with notice that as a condition of employment for such contract or such grant, the employee must abide by the terms of the statement and the employee must notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- 2. Any agency receiving Federal contract or grant funds shall notify the granting agency in writing within ten (10) calendar days after receiving the employee's notice or an actual notice of the employee's conviction.
- 3. The District must take one of the following actions within thirty (30) days after receiving notice in respect to any employee who is convicted of violation of a criminal drug statute occurring in the workplace.
 - a. Taking appropriate personnel action against such an employee up to and including termination consistent with the requirements of Federal law; or,
 - b. Requiring such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State or local health, law enforcement or other appropriate agency.

V. OTHER

A. DEFINITIONS

- 1. The term "drug" or "controlled substance" as used in this policy statement means a controlled substance as defined in schedules I through V of section 202 of the Controlled Substance Act (21 USC section 812) and as further defined in regulations at 21 CFR 1308.11-1307.15 and as defined in Nevada Revised Statutes. In addition,

any substance that is used with the desired outcome of inducing intoxication, excitement, or alteration of the central nervous system is included.

Controlled substances include, but are not limited to, the following:

- a) Amphetamines and Methamphetamines
- b) Cocaine
- c) Marijuana/Cannabinoids (THC)
- d) Opiates (Narcotics)
- e) Phencyclidine (PCP)
- f) Barbiturates
- g) Benzodiazepines
- h) Synthetic compounds

*Doctor prescribed medication exempt

- 2. The term "alcohol" as used in this policy statement is defined as any form of alcohol contained in a beverage or other form designed for human consumption or ingestion.
- 3. The term "supervisor" as used in this policy statement means the person whom is responsible for the control and direction of the employee's normal day to day workplace activities.
- 4. The term "employee" as used in this policy statement means an employee of the Humboldt County School District but does not include independent contractors, and includes the term as defined in the Drug Free Workplace Act (41 USC section 706)/
- 5. The term "workplace as used in this policy statement is defined as any site, place or location where an employee of the Humboldt County School District is engaged in the performance of work done for and on behalf of the District whether such site, place or location is owned by the District or otherwise.
- 6. For purposes of this policy statement, the definitions in 41 USC section 706 shall have the meanings ascribed to them in such section unless the definition has been broadened by the definition of this policy statement.

Effective 3/8/94 Revised 2/09/10 Revised 12/12/10