CODE B3
(Required)[1]

ALCOHOL AND DRUG-FREE WORKPLACE[2]

Policy[3]

It is the policy of LNSU (District) to maintain a workplace free of alcohol and drugs. No employee, volunteer or work study student[4] will unlawfully manufacture, distribute, dispense, possess or use alcohol or any drug in the workplace. Nor shall any employee, volunteer or work study student be in the workplace while under the influence of drugs or alcohol. If there are reasonable grounds to believe that an employee, volunteer, or work study student is under the influence of drugs or alcohol while on or in the workplace, the person will be immediately removed from the performance of their duties.

Definitions

1. **Drug** means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by state or federal statute or regulation.[5]

2. **Workplace** means the site for the performance of work for the school district, including any school building or any school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. It also includes off school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event, where students are under the jurisdiction of the school district.[6]

3. **Employee** means all persons directly or indirectly compensated by the school district for providing services to the district and all employees of independent contractors who provide services to the district.[7]

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1 The Drug Free Workplace Act of 1988 applies to all individuals or organizations that receive federal grants and any individuals or organizations that are federal contractors whose contracts exceed $100,000. The Act does not explicitly require a Drug Free Workplace policy, but it does require covered entities to "establish a drug-free awareness program to inform employees about…the *grantee's policy of maintaining a drug free workplace…"* 41 U.S.C. §702(1)(b)(ii).

2 Alcohol is not considered a "controlled substance" under federal law. The Drug Free Workplace Act therefore does not require that alcohol be included in an employer's prohibition of drugs in the workplace. Vermont law does authorize employers to prohibit alcohol possession and/or use of alcohol in the workplace. The Vermont drug testing law defines "drug" broadly and includes alcohol as a "drug." 21 V.S.A. §511(3).

3 The Drug Free Workplace Act requires specific actions on the part of employers including publication of a statement notifying employees of the prohibition against illegal drugs in the workplace, the establishment of a drug-free awareness program with specific elements, the notification to employees that compliance with the prohibition against drugs is a requirement for employment and imposing specific sanctions on any employee who is convicted of violations occurring in the workplace. *See* 41 U.S.C. §701.

4 The inclusion of volunteers and work study students as "employees" for purposes of this policy is optional. *See endnote 7 below.*

5 The Drug Free Workplace Act uses the term "controlled substance" as synonymous with the term "drug." Controlled substances are listed in the federal law at 21 U.S.C. 812. Marijuana is included as a controlled substance under federal law despite legalization in Vermont.

6 Definition derived from 41 U.S.C. §706(1).

7 41 U.S.C. §706(2). Note that the federal law defines "employee" as one "directly engaged in the performance of work pursuant to a federal grant or contract, whether or not the employee is paid through grant or contract funds. An employer may expand the coverage of this policy to include all employees, whether or not they are engaged in work pursuant to federal grants.

4. **Volunteer** means an individual not employed by the school district who works on an occasional or regular basis in the school setting to assist the staff. A volunteer works without compensation or economic benefits provided by the school district.

5. **Work Study Student** means a student who receives compensation for work performed at the school as part of a college work experience program. For purposes of this policy, an intern, working without pay, will be considered as a work study student. A student working toward a teaching credential who may be placed at a school as a student teacher is not a work study student.

Employee Responsibilities

As a condition of employment, each employee will notify the superintendent in writing of his or her conviction of any criminal drug statute for a violation occurring on or in the workplace as defined above.

The employee must notify the Superintendent no later than five days after such conviction. Entry of a *nolo contendere* plea shall constitute a conviction for purposes of this policy, as will any judicial finding of guilt or imposition of sentence.

Within 10 days of notification from an employee, or receipt of actual notice of an alcohol or drug conviction, the superintendent will notify any federal or state officers or agencies legally entitled to such notification.[8]

An employee, volunteer, or work study student who violates the terms of this policy may be required to satisfactorily complete an alcohol or drug recovery, substance use, and treatment program approved by the superintendent.

In addition, an employee who violates the terms of this policy will be subject to disciplinary action.

VSBA Revised:	*1/12/26*
Date Warned:	9/14/26
Date Adopted:	10/12/26
Legal Reference(s):	*49 U.S.C. §§ 5331, 31306 (Omnibus Transportation Employee Testing Act of 1991)*
	49 C.F.R. Parts 40, 382, 391, 392, 395 and 653
	21 V.S.A. §§ 511 et seq.
	18 V.S.A. § 4230a
	18 V.S.A. § 4474c
Cross Reference:	

8 *See* 41 U.S.C. §702(a)(1)(D).