General Personnel

Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition

All School workplaces are drug- and alcohol-free workplaces

All employees are prohibited from engaging in any of the following activities while on School premises or while performing work or being on call for the School:

1. Unlawful manufacture, dispensing, distribution, possession, or use of an illegal or controlled substance.
2. Distribution, consumption, use, possession, or being impaired by or under the influence of an alcoholic beverage; being present on School premises or while performing work for the School when alcohol consumption is detectible, regardless of when and/or where the use occurred.
3. Distribution, consumption, possession, use, or being impaired by or under the influence of cannabis; being present on School premises or while performing work for the School when impaired by or under the influence of cannabis, regardless of when and/or where the use occurred, unless distribution, possession, and/or use is by a school nurse or school administrator pursuant to Ashley's Law, 105 ILCS 5/22-33.

The School considers employees impaired by or under the influence of cannabis when there is a good faith belief that an employee manifests the specific articulable symptoms listed in the Cannabis Regulation and Tax Act (CRTA).

For purposes of this policy, a controlled substance means a substance that is:

1. Not legally obtainable,
2. Being used in a manner different than prescribed,
3. Legally obtainable, but has not been legally obtained, or
4. Referenced in federal or State controlled substance acts.

For purposes of this policy, *School premises* means workplace as defined in the CRTA in addition to the school buildings, grounds, and parking areas; vehicles used for school purposes; and any location used for a School Board meeting, school athletic event, or other school-sponsored or school-sanctioned events or activities. School grounds mean the real property comprising any school, any conveyance used to transport students to school or a school-related activity, and any public way within 1,000 feet of any school ground, designated school bus stops where students are waiting for the school bus, and school-sponsored or

school-sanctioned events or activities. “Vehicles used for school purposes” means school buses or other school vehicles.

As a condition of employment, each employee shall:

1. Abide by the terms of the Board policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the School premises or while performing work for the School, no later than five calendar days after such a conviction.

Unless otherwise prohibited by this policy, prescription and over-the-counter medications are not prohibited when taken in standard dosages and/or according to prescriptions from the employee’s licensed health care provider, provided that an employee’s work performance is not impaired.

To make employees aware of the dangers of drug and alcohol abuse, the CEO or designee shall perform each of the following:

1. Provide each employee with a copy of this policy.
2. Post notice of this policy in a place where other information for employees is posted.
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations.
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to School employees.
5. Establish a drug-free awareness program to inform employees about:

    a. The dangers of drug abuse in the workplace,

    b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and

    c. The penalties that the School may impose upon employees for violations of this policy.

6. Remind employees to educate students, depending upon their grade, about drug and substance abuse prevention and relationships between drugs, alcohol, and violence.

<u>E-Cigarette, Tobacco, and Cannabis Prohibition</u>

The prohibition on the use of e-cigarettes, tobacco, and cannabis products applies to both

(1) when an employee is on school property, and

(2) while an employee is performing work for the school event regardless of the event’s location.

Tobacco shall have the meaning provided in 105 ILCS 5/10-20.5b.

Cannabis shall have the meaning provided in the CRTA, 410 ILCS 705/1-10.

An E-Cigarette is short for electronic cigarette and includes, but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device.

School Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. In addition or alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse rehabilitation program.

The NKEC Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction.

Should School employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of $5,000 or more, the CEO or designee shall notify the appropriate State or federal agency from which the District receives the contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

Disclaimer

The NKEC Board reserves the right to interpret, revise or discontinue any provision of this policy pursuant to the **Suspension of Policies.**

Board Adoption Date: September 12, 2022.

Revised: August 4, 2022

Legal Reference: Americans With Disabilities Act, 42 U.S.C. §12114.
Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. §1308.11-1308.15.
Drug-Free Workplace Act of 1988, 41 U.S.C. §8101 et seq.
Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101 et seq.
30 ILCS 580/, Drug-Free Workplace Act.
105 ILCS 5/10-20.5b.
410 ILCS 82/, Smoke-Free Illinois Act.
410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.
410 ILCS 705/1-1 et seq., Cannabis Regulation, and Tax Act.
720 ILCS 675, Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act.
820 ILCS 55/, Right to Privacy in the Workplace Act.
21 C.F.R. Parts 1100, 1140, and 1143.
23 Ill.Admin.Code §22.20.