



## CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

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### Board Policy Statement

#### 4118.231/4218.231- Alcohol, Tobacco, and Drug-Free Work Place

Approved on May 19, 2014 | Revised on November 8, 2021

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#### I. Overview

The purpose of this policy is to establish a workplace that is free of the effects of alcohol and second-hand smoke, and free from drug abuse. By accomplishing this purpose, the Board of Education (the “Board”) also seeks to promote a safe, healthy working environment for all employees and to reduce absenteeism, tardiness, and other job performance problems that may be caused by alcohol and/or drug abuse. This policy is adopted in accordance with state law and the Drug-Free Workplace Act. Violations of this policy may result in disciplinary action, up to and including possible termination of employment.

#### II. Statement of Policy

The Board prohibits smoking, including smoking using an electronic nicotine delivery system (e.g., e-cigarettes), electronic cannabis delivery system, or vapor product, and the use of tobacco products within any of its schools, including in any area of a school building, including but not limited to any indoor facility owned or leased or contracted for and utilized by the Board for the provision of routine or regular preschool, kindergarten, elementary, or secondary education or library services to children, or on the grounds of such school, or at any school-sponsored activity. The Board further prohibits smoking and the use of tobacco products on the real property of any administrative office building. Real property means the land and all temporary and permanent structures comprising the district’s administrative office building(s) and includes, but is not limited to storage facilities and parking lots.

The Board recognizes the importance of maintaining a drug-free environment for its staff and students. In compliance with federal and state requirements, employees are prohibited from the unlawful use, consumption, possession, manufacture, distribution, purchase, transfer, storage, sale or offer of sale of an illegal drug, controlled substance, or alcohol and shall not be under the influence of such substances while on school property, at school-sponsored activities, or while conducting Board business on or off school property. Any employee who discovers illegal drugs, a controlled substance, or alcohol on school property shall notify the Superintendent or designee who shall investigate the matter.

An employee must report any conviction under a criminal drug statute for violations occurring on school property or off school property while on Board business to the Superintendent or designee within five (5) days after the conviction. The Board will notify any agency awarding a grant to the Board of such conviction within ten (10) days thereafter.

While Connecticut law allows for the legal use of marijuana under certain circumstances, because marijuana use is still prohibited under federal law, the use of marijuana at work, or outside of work if it impairs an employee's ability to perform their job, constitutes a violation of this policy.

### **III. Prescription Drugs**

Employees shall only use prescription drugs on school property, or during the conduct of Board business, that have been prescribed to them by a licensed medical practitioner, and such drugs shall be used only as prescribed. However, in accordance with Conn. Gen. Stat. § 21a-408a through 408q, the Board specifically prohibits the palliative use of marijuana on school property, at a school-sponsored activity, or during the conduct of Board business, and specifically prohibits employees from being under the influence of intoxicating substances, including marijuana used for palliative purposes, during work hours. If the employee knows or has reason to believe that the employee's motor coordination skills and/or regular work activities could be impaired while taking prescription drugs, the employee shall notify their supervisor that they are taking a drug which may cause such impairment and the nature of impairment.

### **IV. Notification and Review**

All employees shall receive a copy of this policy and accompanying administrative procedures upon hire. Failure to comply with the policy may result in disciplinary action, up to and including termination.

Administrators and supervisors shall notify the Chief Human Resource Officer of any violations of this policy, shall coordinate the handling of such violations with the Human Resource Office, and handle such violations in accordance with the accompanying administrative procedures.

### **V. Definitions**

"Any area" means the interior of a school building and the outside area within twenty-five feet of any doorway, operable window or air intake vent of a school building.

"Cannabis" means marijuana, as defined in Conn. Gen. Stat. § 21a-240.

"Controlled substance" means a controlled substance in schedules I through V of section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812), including marijuana.

"Electronic cannabis delivery system" means an electronic device that may be used to simulate smoking in the delivery of cannabis to a person inhaling the device and includes, but is not limited to, a vaporizer, electronic pipe, electronic hookah and any related device and any cartridge or other component of such device.

"Electronic nicotine delivery system" means an electronic device used in the delivery of nicotine to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid or synthetic nicotine.

"School property" means any land and all temporary and permanent structures comprising the district's school and administrative office buildings and includes, but is not limited to, classrooms, hallways, storage facilities, theatres, gymnasiums, fields, and parking lots.

"School-sponsored activity" means any activity sponsored, recognized, or authorized by a board of education and includes activities conducted on or off school property.

“Smoke” or “smoking” means the burning of a lighted cigar, cigarette, pipe or any other similar device, whether containing, wholly or in part, tobacco, cannabis or hemp.

“Under the influence” means that the employee is affected by any drug or alcohol (or the combination of drugs and alcohol) in any detectable manner. The symptoms of influence include, but are not limited to, misbehavior, obvious diminishment of physical or mental capabilities, slurred speech or difficulty maintaining balance.

“Vapor product” means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine or cannabis and is inhaled by the user of such product.

## **VI. Employee Assistance**

In appropriate circumstances, the Board shall provide an employee with an opportunity for rehabilitation in overcoming addiction to, dependence upon or other problem with alcohol or drugs.

An employee who feels they have developed an addiction to, dependence upon, or other problem with alcohol or drugs is encouraged to seek assistance. Certain benefits for alcoholism or drug addiction are provided under the Board's group medical insurance plan. An employee may be given an opportunity to participate in a rehabilitation program that requires absence from work for bona fide treatment. Such absence may be charged to the employee's accrued and unused sick leave, subject to the provisions of the employee's collective bargaining agreement and/or any applicable Board policies and regulations.

Any request for assistance with a drug or alcohol problem will be treated as confidential and only those persons "needing to know" will be made aware of such request.

### **Legal Citations/References**

1988 Drug-Free Workplace Act and its regulations (P.L. 100-690) (as amended)

1986 Drug-Free Schools and Communities Act and its regulations (P.L. 101-226) (as amended)

Conn. Gen. Stat. § 19a-342

Conn. Gen. Stat. § 19a-342a

Conn. Gen. Stat. § 21a-408a through 408q (palliative use of marijuana)

June Special Session, Public Act No. 21-1



## CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

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### **Administrative Procedure**

#### **4118.231/4218.231- Alcohol, Tobacco, and Drug-Free Work Place**

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#### **I. Overview**

The New Britain Board of Education (the “Board”) has adopted a policy concerning substance use and abuse in the work place, Alcohol, Tobacco, and Drug-Free Work Place Policy). These procedures outline the effective duties and responsibilities of supervisors and administrators (“administrators”) in implementing and interpreting this Board policy and providing guidance in handling employees with substance abuse problems. The school district’s administrators play a key role in assuring the effectiveness of this policy. These procedures may be amended from time to time. All administrators should confirm that they have the latest version of this policy and accompanying procedures in their Board Policy Handbook.

#### **II. Employee Assistance for Employees who Voluntarily Seek Help**

In appropriate circumstances, and upon request by the employee, the Board shall provide an employee with an opportunity for rehabilitation in overcoming addiction to, dependence upon or other problem with alcohol or drugs.

An employee who feels they have developed an addiction to, dependence upon, or other problem with alcohol or drugs is encouraged to seek assistance. Certain benefits for alcoholism or drug addiction are provided under the Board's group medical insurance plan. An employee may be given an opportunity to participate in a rehabilitation program that requires absence from work for bona fide treatment. Such absence may be charged to the employee's accrued and unused sick leave, subject to the provisions of the employee's collective bargaining agreement and/or any applicable Board policies and regulations.

Any request for assistance with a drug or alcohol problem will be treated as confidential and only those persons "needing to know" will be made aware of such request.

To assist employees in obtaining early voluntary treatment, the Board encourages employees to participate in the Employee Assistance Program (EAP) provided through the school district. Information concerning the EAP may be obtained by calling the Human Resources Office. All information provided by the employee to the EAP will be kept in complete confidence and the employee’s use of the EAP will not affect their employment status or potential for advancement with the school district as long as the employee continues to meet all job requirements and expectations.

#### **III. Authorized use of prescription medicine**

An employee undergoing prescribed medical treatment or using any over-the-counter medication which the employee knows or has reason to know may alter their behavior or physical or mental ability must report this treatment to their administrator who will make a determination whether the employee's job assignment should temporarily change during the treatment. Employees must keep all prescribed medicine in its original container which identifies the drug, date of prescription and prescribing doctor. However, in accordance with Conn. Gen. Stat. § 21a-408a through 408q, the Board specifically prohibits the palliative use of marijuana on school property, at a school-sponsored activity, or during the conduct of Board business, and specifically prohibits employees from being under the influence of intoxicating substances, including marijuana used for palliative purposes, during work hours.

#### **IV. Administrator Actions in Response to an Employee Substance Abuse Issue**

- A. The administrator shall document in writing all circumstances, information and facts leading to and supporting the administrator's suspicion concerning substance abuse as soon as possible following any incident or meeting. At a minimum, the report will include appropriate dates and times of suspect behavior, reliable/credible sources of information, and the action(s) taken (if any). This documentation may be used as evidence in subsequent grievance or court proceedings. Therefore, administrators should make every effort to ensure the accuracy of the information contained therein. If a memo is sent to an employee's personnel file, the administrator shall give a copy of the memo to the employees and the Chief Human Resources Officer. In those cases where the administrator has reasonable suspicion that an employee has violated the policy, the administrator will immediately notify the Chief Human Resources Officer of the administrator's suspicion so that appropriate coordinated action may be taken as well as take action as outlined below.

Although reasonable suspicion does not require certainty, mere hunches, or suspicion based upon mere rumor, speculation, or unsubstantiated information of unreliable third parties, shall not be sufficient to meet the standard of reasonable suspicion. Reasonable suspicion may include but is not limited to:

- a. Observable phenomena, such as direct observation of drug or alcohol use, possession or distribution and/or the physical symptoms of being under the influence of drugs and/or alcohol.
  - b. A pattern of abnormal conduct, erratic behavior or deteriorating work performance including, but not limited to, frequent absenteeism or tardiness not attributable to other factors and which appears to be related to substance abuse.
  - c. Arrest or conviction for a drug-related offense or the identification of an employee as the focus of criminal investigation into illegal drug use, possession or trafficking.
  - d. Information regarding violation of this policy provided whether by reliable and credible sources or independently corroborated.
  - e. Repeated or flagrant violation of the Board's work codes or policies, which is determined by management or administrative staff to pose a substantial risk of physical injury or property damage and which appears to be related to substance abuse.
- B. The administrator shall notify the employee that the administrator would like to meet to discuss a problem concerning potential substance abuse. The administrator shall discuss the employee's suspect behavior with the employee in a private location. If the administrator believes that discipline is likely to be imposed

upon the employee or employee's continued employment is in question, the administrator shall ask the employee if they desire union representation. When in doubt, the offer should be made. If the employee has clearly refused union representation in writing, the administrator may continue with the meeting. In any event, the administrator shall make all efforts to conduct such meetings with one witness present who has been selected by the administrator, even if the employee has refused union representation.

Caution shall be taken not to accuse the employee of substance abuse, but the employee shall be presented with instances of questionable behavior and shall be reminded of the availability of the Employee Assistance Program. If the employee does not have acceptable explanation for the employee's questioned behavior, the administrator shall continue with the procedures set forth in this section.

- C. In the instance where an administrator believes an employee is under the influence as defined in the Board's policy, or determines that a person's behavior causes a potential threat of harm to themselves or others, the administrator shall immediately remove the employee from the worksite. If necessary, security personnel or city police should be contacted if the administrator has extreme difficulty removing the employee from the worksite or building. The determination of "under the influence" rests solely with the administrator and all efforts should be made to have the administrator's observations corroborated by another individual. Whenever possible, another administrator shall be a witness to such action and if an administrator is not available, an employee should, if possible, act as witness. The administrator shall take all possible steps to ensure that the employee does not drive themselves away from the premises and that the employee is escorted home. The administrator shall remind the employee of the availability of the Employee Assistance Program. If the employee refuses a ride home, the administrator shall notify the city police. All the above actions will be documented in writing as soon as possible and the Chief Human Resources Officer shall be notified.
- D. In those cases where an administrator discovers an employee possessing what appears to be a controlled substance, illegal drug or alcohol, the administrator shall confiscate the substance and all equipment and paraphernalia associated with the substance, contact local law enforcement, and use their best judgment until the substance can be turned over to law enforcement officials.
- E. Not all employee problems involving drugs or alcohol are violations of the Board's policy. In those instances, the administrator shall meet with the employee to discuss the administrator's concern and the employee shall be informed about the school district's Employee Assistance Program. Any such meeting shall be documented and, if appropriate, a memo sent to the employee's personnel file.
- F. If, however, as administrator finds that a violation of the policy exists, the administrator must follow the steps outlined above and sanction must be imposed. Sanctions include, but are not limited to, a verbal warning, written warning, suspension, non-renewal, termination and/or mandatory referral to treatment. All situations involving imposition of sanctions must be properly documented (including verbal warnings).
- G. The Chief Human Resources Officer is available to assist administrators with all matters involving employees and substance abuse problems.

#### **V. Educating Staff about the Alcohol, Tobacco, and Drug-Free Work Place Policy**

Upon hire and at the first staff meeting of each year, the Board's Alcohol, Tobacco, and Drug-Free Work Place Policy shall be reviewed and employees shall be given an opportunity to ask questions. Such policy shall also be posted on the district website. Employees hired during the school year shall receive a copy of the policy and procedures through the Human Resource Office at the time of their hire.