



## CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

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### **Board Policy Statement**

#### **4118.231/4218.231- Drug Free Work Place**

Approved on May 19, 2014

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#### **I. Overview**

The main thrust of this policy is to rehabilitate and assist those employees who are experiencing problems with alcohol and drugs. The Board encourages its employees to come forward with their alcohol and drug-related problems before they reach a level which interferes with their work or personal life. The Board encourages early diagnosis and treatment for substance abuse and supports sound treatment efforts. To assist employees in obtaining early voluntary treatment, the Board encourages employees to participate in the Employee Assistance Program provided through the school district.

In the event an employee does not voluntarily seek help and violates this policy, the employee shall be subject to discipline which may include a letter of reprimand, suspension or termination, even for a first offense. Any violation of this policy will be properly documented in the employee's personnel record. In addition to disciplinary action, an employee who violates this policy may be referred to local, state and federal law enforcement authorities for prosecution, as appropriate.

Under certain circumstances, an employee convicted of alcohol or drug related crimes may be subject to disciplinary action and/or the sanctions described above. An employee must notify the Chief Human Resources Officer of any conviction for such crimes which occurred during the employee's work hours or while engaged in school district business within five calendar days of the conviction.

In order to provide a safe, drug-free work place for employees and an appropriate and healthy educational environment for students, the Board of Education prohibits employees from engaging in the activities described below.

In addition, administrative procedures have been developed to aid in the implementation of this policy. Those administrative procedures include, among other provisions, examples of specific employee behavior by this policy.

#### **II. Illegal Drugs**

The New Britain Board of Education prohibits the unlawful use, consumption, possession, manufacture, distribution, purchase, transfer, storage, sale or offer of sale of illegal drugs by school district employees on school property, at school sponsored activities, in an employee's personal vehicle located on school property or any vehicle engaged in school district business. Further, employees are prohibited from being under the influence of illegal drugs on school property, while operating school district equipment, at school sponsored activities or in any vehicle while engaged in school district business.

### **III. Legal Drugs**

No legal drugs (i.e. over-the-counter and prescription drugs) shall be brought onto school property, into a school sponsored activity, or into any vehicle engaged in school district business by any person other than the person for whom the drug was properly prescribed. Legal drugs are to be used only in the manner, combination and quantity as prescribed or directed by the employee's physician. Employees are prohibited from being under the influence of legal drugs on school property, at school sponsored activities, while operating school district equipment or in any vehicle while engaged in school district business. If the employee knows or has reason to believe that his/her motor coordination skills and/or regular work activities could be impaired while taking legal drugs, the employee shall notify his/her supervisor that he/she is taking a drug which may cause such impairment and the nature of impairment.

### **IV. Alcohol**

Employees shall not be under the influence, use, consume, possess, serve, manufacture, distribute, purchase, transfer, store, sell or offer to sell alcohol on school property, and school sponsored activities, or in any vehicle engaged in school district business.

### **V. Notification and Review**

All employees shall receive a copy of this policy and accompanying administrative procedures upon hire. This policy should be reviewed by each supervisor with his/her staff at least once a year.

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.

The Policy will be reviewed by the Board of Education every two years to determine its effectiveness, to implement any necessary changes and to ensure that sanctions are consistently enforced.

### **VI. Definitions under this policy**

- A. "Illegal Drugs" means any drug (a) not legally obtainable or (b) legally obtainable but not legally obtained or used including any "controlled substance" as defined in schedule I to V of section 202 of the Controlled Substance Act (21 U.S.C. 812) and as further defined in regulations at 21 C.F.R. 1308.11 to 1308.5. Therefore, the term includes prescription drugs obtained illegally and prescription drugs not being used for prescribed purposes. It also includes marijuana, cocaine, heroin (and derivatives of those drugs) and designer drugs among other illegal drugs.
- B. "Legal Drugs" means prescribed and being used for the purpose and in the manner for which they were prescribed and/or manufactured.
- C. "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.
- D. "School-sponsored activity" means any activity or even approved in advance by the Board of Education and/or the Superintendent.

### **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)



## CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

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### **Administrative Procedure**

#### **4118.231/4218.231- Drug Free Work Place**

Approved on May 19, 2014

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#### **I. Overview**

The New Britain Board of Education has adopted a policy concerning substance use and abuse in the work place (Drug-Free Work Place Policy dated May 19, 2014). These procedures outline the effective duties and responsibilities of supervisors and administrators (“administrators”) in implementing and interpreting this important Board Policy and providing guidance in handling employees with substance abuse problems. The school district’s administrators play the key role in assuring the effectiveness of this policy and therefore their responsibilities must be clearly defined. As with any Board policy and procedure, it may be amended from time to time. All administrators should make certain that they have the latest version of this policy and accompanying procedures in their Board Policy Handbook

#### **II. Employee Assistance for those who voluntarily seek help**

The main trust of Policy 4118.231/4218.231 and these procedures is to rehabilitate and assist those employees who are experiencing problems with alcohol and/or drugs. The Board encourages its employees to come forward with their drug and/or alcohol-related problems before they reach a level which interferes with their work or personal life.

Early recognition and treatment of alcohol and drug abuse is critical to successful rehabilitation. The school district encourages early diagnosis and treatment for substance abuse and supports sound treatment efforts. However, the decision to seek diagnosis and accept treatment for such problems is primarily the responsibility of each individual employee.

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 his/her employment status or potential for advancement with the school district as long as the employee continues to meet all job standards.

The Board believes that most persons with substance abuse problems can be treated while continuing in their positions. In those instances where an employee needs leave for treatment purposes the Board will, in accordance with applicable collective bargaining agreements, accommodate such requests. Further, first-time offenders who voluntarily divulge their problems and who sincerely seek assistance, may, at the discretion of the Superintendent or designee, be offered an opportunity to participate in a treatment program in lieu of disciplinary action (including termination). This option will not, by way of example, be offered to employees charged with gross misconduct, repeat offences or selling controlled substances.

Such voluntary requests for assistance will not prevent disciplinary action for subsequent violations of this substance abuse policy or for failure to meet performance standards. Employees who undergo voluntary counseling or treatment and who continue to work must meet all established standards of conduct treatment/return to work or be subject to discipline.

### **III. Authorized Use of Prescription Medicine**

Employees undergoing prescribed medical treatment or using any over-the-counter medication which the employee knows or had 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.

### **IV. Actions to be taken by an administrator when there is a problem with an employee involving substance abuse**

- A. The administrator shall document in writing all circumstances, information and facts leading to and supporting his/her 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 employee and the Chief Human Resources Officer. In those cases where the administrator has reasonable suspicion that an employee has violated the policy, he will immediately notify the Chief Human Resources Officer of his/her 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, possessions 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 either 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 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 questions, the administrator shall ask the employee if he/she desires union representation. When in doubt, the offer should be made. If the employee has clearly refuse 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 presentation.

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

- C. In the instance where an administrator believes and employees 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 himself or others, the administrator shall immediately remove the employee form 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 primarily 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 himself/herself away from the premises and that the employee is escorted home. The administrator shall remind the employee of the availability of EAP. 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 case where an employee is sent home, he/she shall be allowed to return to work when the administrator determines that his/her conduct no longer causes a potential threat of harm or injury. However, prior to the employee returning to his or her work assignment a meeting shall be held with the employee, the administrator and the Chief Human Resources Officer or designee to ensure that the employee is able to adhere to all standards of conduct and job performance.
- E. In those cases where an administrator discovers an employee possessing what appears to be a controlled substance, illegal drug or alcohol, he or she shall proceed as described above for instances where reasonable suspicion exists, and, if the substance in question appears to be controlled substance or illegal drug, shall in addition perform following steps:
  - a. Immediately confiscate the substance and all equipment and paraphernalia associated with the substance. Wrap them in any available lean material (e.g. paper towel, copier paper, handkerchief). The administrator shall keep the package on his or her person or where he or she can be absolutely sure it cannot be tampered with.
  - b. As soon as the administrator can, he or she shall put the wrapped materials, still in the wrapping, into a large envelope and seal the envelope completely. The administrator's initials shall be written over the seam of the envelope in several places.
  - c. The administrator shall write the employee's name, his or her own name, and the date at the top of the envelope and shall turn it over as soon as possible to the Chief Human Resources Officer, or

to local law enforcement officials. The administrator shall witness the signing and dating of the envelope by the person to whom he or she turns it over.

- d. All persons who subsequently and for whatever reason have possession of the envelope shall sign and date it in the presence of the previous custodian.
  
- F. 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 and Policy 7-14. Any such meeting shall be documented and, if appropriate, a memo sent to the employee's personnel file.
  
- G. 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 (this is required by federal law). 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).
  
- H. The Chief Human Resources Officer is available to assist administrators with all matters involving employees and substance abuse problems.

#### **V. Actions to be taken by administrators to educate their staff about the Drug-Free Work Place Policy**

At the first staff meeting of each year, the Board's Drug-Free Work Place Policy shall be reviewed and the employees shall be given an opportunity to ask questions. At the beginning of each school year, it is the responsibility of the administrator to see that each employee in his/her building receives a copy of the policy and procedures (either through the mail or at the meeting) and the administrator has a record that the employee obtained the policy and the procedures (sign-in-sheet, signed and dated receipt, etc.) 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.

#### **VI. Examples of employee conduct prohibited by the Board's Drug-Free Work Place Policy**

At the first staff meeting of each year, the Board's Drug-Free Work Place Policy shall be reviewed and the employees shall be given an opportunity to ask questions. At the beginning of each school year, it is the responsibility of the administrator to see that each employee in his/her building receives a copy of the policy and procedures (either through the mail or at the meeting) and that the administrator has a record that the employee obtained the policy and the procedures (sign-in-sheet, signed and dated receipt, etc.) Employees hired during the school year shall receive a copy of the policy and procedures through the Human Resources Office at the time of their hire.

#### **VII. Examples of employee conduct prohibited by the Board's Drug-Free Work Place Policy**

The following list has been provided to give administrators examples of specific employee conduct which are in violation of the Board Policy 7-14. Of course, this is not an all-inclusive list as it would be impossible to predict every type of employee problem involving substance use and abuse.

- A. Unauthorized use, possession, manufacture, distribution, dispensation or sale of controlled substance, illegal drug, drug paraphernalia or alcohol on school property, in the course of school business, during school-sponsored activities (which are defined as only those activities which have been approved in advance by the Superintendent or the Board of Education), in school-supplied vehicles, in vehicles used for school purposes, in personal vehicles on school property or business, or during work hours;

- B. Storage in a desk, automobile or other repository on school property or at any school sponsored activity of any illegal drug, controlled substance, drug paraphernalia, or alcohol whose use is unauthorized;
- C. Being under the influence of an unauthorized controlled substance, illegal drug or alcohol on school property, in the course of school business, during school-sponsored activities, in school supplied vehicles or vehicles used for school business, in personal vehicles on school property, or during work hours;
- D. Use of alcohol off school property that adversely affects the employee's work performance, his own or others' safety at work , or the school district's regard or reputation in the community;
- E. Possession, use, manufacture, distribution or sale of illegal drugs or controlled substances off school property that adversely affects the employee's work performance, his own or others' safety at work, or the school district's regard or reputation in the community;
- F. Failing to adhere to any of the requirements of a drug or alcohol treatment or counseling program in which the employee is enrolled;
- G. Conviction under any criminal drug or alcohol-related statute for a violation occurring in the work place;
- H. Conviction under any criminal statute, regardless of where the offense occurred, under circumstances which adversely affect the school district's regard or reputation in the community;
- I. Failure to notify an administrator of the use of a prescription drug which may alter the employee's behavior or physical or mental ability;
- J. Failure to keep prescribed medicine in its original container;
- K. Failure to notify the Chief Human Resource Officer within 5 days of the conviction of any conviction of alcohol or drug-related crimes which occurred during employee's work hours or while engaged in school district business.