

**Regulation**

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EMPLOYEE SUBSTANCE ABUSE PROCEDURE

The illegal possession and the illegal use of drugs or alcohol are prohibited on or near school property at all times, and at all school functions.

A staff member who has been determined to have been under the influence of a substance during work hours or at a school-sponsored function where the staff member was assigned job responsibilities will be subject to appropriate discipline which may include termination of a non-tenured staff member or the filing of tenure charges for a tenured staff member.

Procedures: Employees Suspected of Being Under the Influence

Staff members observing or suspecting an employee of being under the influence of controlled or potentially dangerous substance during working hours, shall report the matter to the principal or his/her designee and to the school nurse.

The principal (or designated person in authority) shall consult with the school nurse, and/or any other staff members necessary to make a judgment as to whether there is reasonable cause to believe that the employee is under the influence of a chemical substance. If so, the principal shall arrange for the employee's conduct to the nurse's office.

The principal or designee shall:

- A. Notify the chief school administrator;
- B. Meet with the employee and provide him/her with a copy of board policy and procedures on substance abuse. The principal shall allow the employee the opportunity to respond to the reported violation of the substance abuse policy;
- C. If it is determined by the school nurse that there is reasonable evidence to support the report and the employee is suspected of being under the influence, an immediate medical examination including a drug/alcohol test shall be required at a district designated facility. Transportation shall be arranged by the principal;
- D. If the employee refuses the examination and testing:
  1. The principal or administrator shall tell the individual clearly and firmly that refusal shall result in disciplinary action up to and including suspension and dismissal;
  2. The principal shall inform the employee that they shall not operate their personal vehicle while under the influence and shall:
    - a. Offer to arrange transportation home;
    - b. Allow the employee to call someone and arrange their own transportation off school property;
    - c. Offer to call the employee's emergency contact to pick the employee up;
  3. If the employee leaves school grounds in defiance of the requirement to secure transportation off school property, the principal shall contact local law enforcement and report the incident;
  4. If the individual refuses to comply with the requirement to have an immediate medical examination including a drug/alcohol test after being given such clear warning, the principal or administrator shall immediately notify the human resources department to institute disciplinary action to terminate the individual's employment;

EMPLOYEE SUBSTANCE ABUSE (regulation continued)

- E. An employee's relative or other designated party may be contacted with the consent of the employee suspected of substance abuse and may be present during this process; and
- F. The principal shall request that the written results of the medical examination be furnished by the examining physician within 24 hours, as prescribed by statute. The results of the drug screening will also be furnished to the principal as soon as possible.

Medical Examination Results

If the physician's diagnosis is positive and/or the chemical screening is positive, the employee shall be suspended from his/her position:

- A. Police department shall be notified (for drug related incidents);
- B. The principal shall file a report with the New Jersey Department of Health and the chief school administrator as prescribed by law; and
- C. Appropriate treatment programs and resources shall be recommended to the employee.

Return to Work

Any employee with an examination result confirming intoxication or drug use and/or who has tested positive shall be required to meet with the principal and the chief school administrator. At this conference the employee will provide a written report from his/her physician stating that the employee is physically and mentally able to return.

The school physician shall examine the employee and may:

- A. Review the employee's record of behavior;
- B. Consult with employee's immediate supervisor;
- C. Arrange a meeting with the employee to discuss the need for treatment/medical attention/family counseling with referrals to community agencies recommended by the county alcoholism authority and/or state department of health;
- D. Explore the necessary related support services which may be provided by the board of education;
- E. Disseminate information:
  - 1. Educational facilities within the community;
  - 2. Evaluation and assessment centers;
  - 3. Treatment centers;
  - 4. Support groups (AA, Alanon, Alateen);
- F. Completion of necessary reports.

The chief school administrator shall review the report of the school physician in determining if the employee shall be permitted to return to work and what conditions shall be required for return to work.

Voluntary Employee Request for Assistance

Whenever an employee voluntarily seeks help from the building principal or school nurse for substance abuse, the building principal or school nurse shall:

- A. Reinforce the employee's actions by expressing approval of a decision to seek help and indicate concern for the employee;

EMPLOYEE SUBSTANCE ABUSE (regulation continued)

- B. Indicate to the employee that he/she can assist the employee in obtaining help;
- C. Offer immediate assistance through proper school personnel;
- D. A voluntary report by an employee of substance abuse coupled with a request for assistance shall not be subjected to the procedures outlined in sections addressing incidents involving the sale, purchase, transfer or possession of drugs and alcohol on school property or at school functions and chemical use/abuse; and
- E. A voluntary report of a substance abuse with a request for assistance made while the employee is under the influence of drugs and/or alcohol during on school property, school operational hours and/or while the employee is on duty shall be subject to board policy and procedures for employees suspected of being under the influence of drug and/or alcohol at work.

Selling, Purchasing, Transferring, or in Possession of Drugs and Alcohol

Inducing, or attempting to induce others to use illegal drugs, narcotics or alcohol is prohibited on school property and at all school functions.

Staff members observing an individual on school property selling, purchasing, transferring, or in possession of alcohol or drugs on school property or at school functions, shall report suspicious behavior according to the following procedure:

- A. The building principal shall be notified immediately of suspicious behavior;
- B. The building principal or their designee shall investigate the situation to determine the best course of action that may include:
  - 1. Meeting with the employee expediently and when safe and appropriate;
  - 2. Notification of the authorities;
  - 3. Removal from school grounds by the appropriate authorities;
- C. The principal shall notify the chief school administrator immediately;
- D. The initial incident shall be documented by the principal and/or his/her designee;
- E. Following investigation by the principal and/or authorities, if it is determined that the employee was involved in a sale, purchase, transfer, or possession of alcohol or drugs on school property or at a school function, the principal or his/her designee shall:
  - 1. Notify the employee and provide him/her with a copy of the district's substance abuse policy and regulation, file code, 4119.23/4219.23.
  - 2. The chief school administrator shall suspend the employee temporarily from his/her position pending a meeting to be held within 24 hours with the employee and any designated representative.
  - 3. Notify the police.

Discipline for Selling, Purchasing, Transferring, or in Possession of Drugs and Alcohol

The appropriate disciplinary action shall be determined at the meeting held within 24 hours. This meeting may include the employee, official representatives of the employee, the chief school administrator, the board attorney, the school principal and a police department official when necessary or appropriate.

- A. Employees involved in the sale, purchase, transfer or possession of drugs or alcohol shall be reported to the local police department in accordance with law;
- B. Employees suspected or known to be using a controlled or illegal substance and also involved in the purchase, transfer, sale, or possession of drugs, shall be reported to the local police department in accordance with law; and

EMPLOYEE SUBSTANCE ABUSE (regulation continued)

- C. Employees awaiting trial may be readmitted to school by the chief school administrator as soon as possible after appropriate out of school action (regarding drug charges) is taken, and after discussion with the employee and their designated representative(s), district medical officer and law enforcement authorities.

Use of Drugs and Alcohol

All staff shall notify the building principal and school nurse immediately of medical emergencies such as unconsciousness or incoherence which may be alcohol, drug or substance induced. The school nurse shall render immediate aid and ensure emergency medical assistance is called. The building principal shall notify the employee's designated relative (as noted on his/her emergency information card) as quickly as possible. The employee shall be transported via ambulance to the nearest medical facility and accompanied by appropriate school personnel. A written statement or accident report shall promptly be submitted by the nurse (including date, time, circumstances, action taken, other staff members involved).

Adopted:

Revised:

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Readopted: