

# SCHOOL DISTRICT OF PITTSVILLE BOARD POLICY

## PERSONNEL

### GENERAL PERSONNEL POLICIES STAFF CONDUCT

#### ALCOHOL AND DRUG-FREE WORKPLACE

522.1

~~In order to protect the health, welfare, and safety of students and employees, no employee shall engage in any of the following conduct in any school building or on school premises, in any school-owned vehicle, or off premises at any school-approved activity, event or function where students are under the jurisdiction of the District: possess, manufacture, distribute, dispense, use, or be under the influence of alcohol, inhalants, any controlled substance, or substances represented as such. The sole exception to these prohibitions involves prescription medication prescribed to an employee and used by the employee in accordance with his/her doctor's instructions. In addition, the District does not condone the involvement of any employee with illegal controlled substances, even when the employee is not on District premises.~~

If the immediate supervisor has reasonable suspicion concerning an employee's use of alcohol or controlled substances while on the job or if the immediate supervisor has reasonable suspicion that the employee's job performance is impaired due to the recent use of alcohol or any controlled substance, the employee may be asked to submit to alcohol and drug assessment testing, which will be done with procedures that ensure the confidentiality and privacy interests of the employee.

Compliance with the District's policies and rules regarding alcohol or drug use is mandatory and is a condition of employment. Employees who violate the District's policies or rules regarding these substances shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, discipline or discharge from employment with the District, and referral to appropriate law enforcement officials for prosecution.

An employee who is engaged in the performance of a federal grant shall notify the District Administrator of any criminal drug statute conviction for a violation occurring in the workplace. This notification shall be made within five days of such conviction, and the District Administrator will then notify the appropriate federal agency. After receiving notice from an employee, the District shall either 1) take appropriate personnel action against the employee, up to and including termination of employment, or 2) require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency.

~~The District shall distribute drug-free awareness information to employees regarding the dangers of drug abuse in the workplace, the District's policy of drug abuse in the workplace, the District's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and (if applicable) employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.~~

District employees are prohibited from engaging in the following conduct on District-premises, in any vehicle being used for District business, or, regardless of location, at any District-authorized activity, event, or function at a time when the employee is acting in the scope of his/her employment, responsible for District students, or otherwise acting as an agent of the District:

- The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance.
- Attempting or intending to unlawfully sell or otherwise distribute alcohol or controlled substances.
- Being under the influence of a controlled substance, except that an employee may possess, and work while he/she is taking, over-the-counter medication(s) and his/her own prescription medication(s) provided that (1) the employee follows the relevant instructions for and does not misuse the medication(s), and (2) the use of the medication(s) does not prevent the safe and acceptable performance of the employee's job duties.
- Possessing, distributing, or consuming intoxicating beverages or, where there is no legitimate and authorized purpose, other forms of alcohol, or being under the influence of alcohol at a blood alcohol concentration of 0.02 0.08 or higher, except:
  - An employee may possess alcohol in a sealed container in his/her locked personal vehicle (e.g., for purposes of transporting the alcohol for off-duty purposes).
- Using or being under the influence of a hazardous inhalant.
- Possessing, selling, or distributing, or attempting to sell or distribute, look-alike controlled substances (substances that are represented as an illegal drug regardless of the true nature of the substance) or any unlawful synthetic drugs that are not expressly classified as a controlled substance but that purportedly produce similar subjective effects to illegal drugs.
- Possessing, using, or distributing drug paraphernalia.

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Employees are notified by this policy that where an employee’s off-duty conduct relating to alcohol or controlled substances has a legally-sufficient connection to the individual’s employment, the off-duty conduct can serve as the basis for employment-related discipline or other employment-related consequences.

Certain employees may be subject to further requirements and restrictions related to alcohol and controlled substances based on their positions or job duties. For example, an employee who is engaged in the performance of a federal contract or qualifying federal grant must notify the District Administrator of any criminal drug statute conviction for a violation that occurred in the workplace. This notification shall be made within five (5) days of the conviction. The District Administrator or his/her designee must notify the appropriate federal agency and take other appropriate action.

Adherence to the District’s alcohol-free and drug-free workplace policy is a condition of employment with the District. Employees who violate the District’s policies or rules regarding these substances are subject to consequences, including possible referral for a drug or alcohol evaluation, referral to a counseling or rehabilitation program, referral to any available employee assistance program (EAP), reassignment, monitoring plans (which, to the extent permitted by law, may include testing), discipline (up to and including immediate termination), and/or referral to appropriate law enforcement officials. A referral for evaluation, counseling, or treatment does not include any District commitment to pay for such services.

This policy, or a reference to and summary of this policy, shall be included in the District’s Employee Handbook.

The District Administrator is responsible for ensuring that the District provides information to employees to raise awareness regarding (1) the dangers of alcohol and drug abuse in the workplace, (2) the District’s policy of maintaining an alcohol-free and drug-free workplace, (3) any available counseling, rehabilitation, and employee assistance programs, and (4) the consequences that may be imposed upon employees for alcohol-related or drug-related misconduct.

**LEGAL REFERENCES:**

**Wisconsin State Statutes**

~~Section 120.13~~ ~~School Board powers~~  
Section 111.35 Use or nonuse of lawful products; exceptions and special cases  
Section 121.02(1)(i) Safe and healthful facilities  
Section 125.09 Restriction on alcoholic beverages on school grounds property and at school activities  
Section 939.22(15) Definition of hazardous inhalant  
Chapter 961 ~~Uniform~~ Controlled Substances Act laws

**Federal Statutes**

~~Drug-Free Workplace Act of 1988~~  
41 U.S.C. Ch. 81 Federal Drug-Free workplace requirements for federal contractors and grantees  
2 C.F.R. Ch. 1, Part 182, Subpart B Federal regulations implementing the federal Drug-Free Workplace Act  
21 C.F.R. Part 1308 Federal schedules of controlled substances

~~1<sup>st</sup> Reading:~~ ~~March 11, 2013~~  
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