

DRUG-FREE WORKPLACE

The Board of Education prohibits the illegal, improper or unauthorized manufacture, distribution, dispensing, possession or use of any controlled substances in the workplace. "Workplace" shall mean any site on school grounds, at school-sponsored activities, or any place in which an employee is working within the scope of his/her employment or duties. "Controlled substances" shall include all drugs which are banned or controlled under federal or state law, including those for which a physician's prescription is required, as well as any other chemical substance which is deliberately ingested to produce psychological or physiological effects, other than accepted foods or beverages.

The Superintendent of Schools or his/her designee shall establish a drug-free awareness program to inform employees about:

1. the dangers of drug abuse in the workplace;
2. the district's policy of maintaining a drug-free workplace;
3. any available drug counseling, rehabilitation, and employee assistance programs; and
4. the penalties that may be imposed upon employees for drug abuse violations.

Each employee, as a condition of employment on any direct federal grant, shall notify his/her immediate supervisor, who shall notify the Superintendent, of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days of such conviction.

The Superintendent shall notify the Board of Education of any such conviction(s), and shall notify the granting agency within 10 days after receiving notice of such conviction(s) from any source.

Within 30 days of such conviction(s), the district shall initiate appropriate disciplinary action against any employee so convicted in the manner provided for by law, up to and including dismissal, and/or require his/her satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement or other appropriate agency.

Cross-ref: 9610, Staff Substance Abuse

Ref: Drug-Free Workplace Act (DFWA), 41 U.S.C. §§702-707
 Controlled Substances Act, 21 U.S.C. §812
 Safe and Drug-Free Schools and Communities Act, 20 U.S.C §7101 *et seq.*
 21 CFR §§1300.11-1300.15
 34 CFR Part 85 (U.S. Dept. of Ed. Regulations under the DFWA)
 Civil Service Law §75

Education Law §3020-a
Patchogue-Medford Congress of Teachers v. Board of Education,
 70 NY2d 57 (1987)

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