

EMPLOYEE SUBSTANCE ABUSE

General - All Employees

The use of alcoholic beverages in school worksites is prohibited. Violations of this prohibition may subject an employee to disciplinary action which may include but is not limited to nonrenewal, suspension, or termination at the discretion of the board.

The unlawful manufacture, distribution, dispensing, possession of, use of or sale of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance on or in school worksites is prohibited. Any violation may subject an employee to participation in a drug rehabilitation program and disciplinary action including but not limited to nonrenewal, suspension, or termination at the discretion of the board of education.

For the purposes of this policy "worksite" shall include any school building, or any school premises and any school-owned vehicles or any other school-approved vehicle used to transport students to and from school or school activities. Worksite also includes off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event, where students are under the jurisdiction of the school district.

The board of education, as a result of criminal convictions of any criminal drug statute violation by an employee occurring outside of the worksite, may discipline said employee. Disciplinary action may include, but is not limited to nonrenewal, suspension, or termination at the discretion of the board.

Illegal gambling is not permitted in or on the school worksite.

Smoking by employees in school buildings or on school grounds is prohibited. For purposes of this policy, "smoking" means inhaling the burning or vapor of a lighted cigar, cigarette, pipe, electronic smoking device or any other matter or substance which contains tobacco. Chewing tobacco is also specifically prohibited by this policy.

The superintendent shall establish a drug-free awareness program which includes notice of the dangers of drug abuse in the workplace and available drug counseling programs and shall distribute this policy to all employees annually. New employees shall be provided with a copy of this policy prior to beginning work assignments.

Transportation Contracts

Transportation contracts approved by the board shall contain assurance that the contractor will establish a drug and alcohol testing program that meets the requirements of the federal Omnibus Transportation Employee Testing Act of 1991. The Omnibus Transportation Employee Testing Act of 1991 requires that bus drivers submit to pre-employment or pre-duty, reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. The purpose of the testing program shall be to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by employees performing safety-sensitive functions.

Work Performance in Connection with a Federal Grant

In order for the school district to qualify for any direct federal grant, the district must certify that it will provide a drug-free workplace and maintain a good faith effort to continue to maintain a drug-free workplace. To this end, employees engaged in school worksites as a result of federal grant moneys shall in addition to complying

EMPLOYEE SUBSTANCE ABUSE (continued)

with requirements of the programs, also be in strict compliance with this policy.

The superintendent shall notify all employees whose work performance is done in connection with a federal grant that they are to notify their respective supervisors of convictions of any criminal drug statute violation occurring in the workplace. Employees must notify their supervisors no later than five days after such conviction. To be in compliance, the district must notify the federal grant program of such conviction within 10 days of receipt of said conviction.

Adopted: September 5, 1990
 Revised: September 17, 2003, Legal Update January 7, 2004
 NJSBA Review/Update: August 2017
 Readopted: September 26, 2018

Key Words

Smoking; Drinking; Drugs; Smoking Prohibition; Employee Smoking, Drinking, Use of Drugs on School Premises

Legal References: N.J.S.A. 2C:33-16 Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
N.J.S.A. 2C:35-1 et seq. Comprehensive Drug Reform Act of 1987
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:16-2 Physical examinations; requirement
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher, etc.
N.J.S.A. 18A:36-32 Cigarette coin-operated vending machines; operation, installation or maintenance on property used for school purposes; fine
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.S.A. 26:3D-55 et seq. New Jersey Smoke-Free Air Act
N.J.A.C. 6A:16-6.3 Reporting students or staff members to law enforcement authorities
N.J.A.C. 6A:16-6.5 Confidentiality of student or staff member involvement in substance abuse intervention and treatment programs
N.J.A.C. 6A:26-12.2(a)4 Policies and procedures for school facility operation
Owner-Operator Indep. Drivers Assoc., Inc. v. Pena, 996 F.2d 338 (D.C. Cir. 1993)
New Jersey Constitution, Art. IV, § VII, par. 2
Anti-Drug Abuse Act of 1988
Drug-Free Workplace Act of 1988
 34 CFR Part 85.100, Governmentwide Debarment and Suspension (nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)
 42 U.S.C.A. § 31306 et seq. - Alcohol and Controlled Substances Testing
 49 C.F.R. Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Programs
 49 C.F.R. Part 382 - Controlled Substance and Alcohol Use and Testing

EMPLOYEE SUBSTANCE ABUSE (continued)

49 C.F.R. Part 391 - Qualification of drivers

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

<u>Cross References:</u>	*1330	Use of school facilities
	*1410	Local units
	*3220/3230	State funds; federal funds
	*3515	Smoking prohibition
	*4112.4/4212.4	Employee health
	4117.50	Standards for staff discipline
	*4219.23	Employee substance abuse
	*5131.6	Drugs, alcohol, tobacco (substance abuse)

*Indicates policy is included in the Critical Policy Reference Manual.