

ALLENTOWN SCHOOL DISTRICT

SECTION: CLASSIFIED EMPLOYEES

TITLE: ALCOHOL AND CONTROLLED
SUBSTANCES/PROHIBITED

ADOPTED: 7/29/99

REVISED: 11/17/16

551.1 ALCOHOL AND CONTROLLED SUBSTANCES/PROHIBITED

Section 1: Purpose

The district is committed to providing a drug-free, healthful, safe, and efficient educational environment. The district believes that the use of alcohol and use or abuse of controlled substances in the educational environment is inconsistent with these goals. Accordingly, the following Alcohol and Controlled Substances/Prohibited Policy is a supplement to the existing Drug-Free Workplace Policy (Policy 351) and existing policies, practices and procedures.

Section 2. Authority

The School Code prohibits the district from employing any individual who has been convicted of any offense graded as a felony of the first, second or third degree under The Controlled Substance, Drug, Device and Cosmetics Act. This includes permitting any individual currently employed by the district to remain employed after being convicted of such offense. 24 P.S. §1-111(e)(2); 35 P.S. §780-101 *et seq.*

The School Code requires that any employee who has been arrested for any offense graded as a felony of the first, second or third degree or a misdemeanor of the first degree under The Controlled Substance, Drug, Device and Cosmetics Act must report the arrest to the district on the form provided by the Pennsylvania Department of Education within seventy-two (72) hours of the arrest. This form must be submitted to the district's Human Resources office.

The School Code requires that any district employee who has been convicted of delivery of a controlled substance or possession of a controlled substance with intent to deliver, as prohibited by the Controlled Substance, Drug, Device and Cosmetics Act must be terminated from employment. 24 P.S. §527.

The use of alcohol by employees is prohibited at all times while employees are engaged in the performance of work duties for the district. The district recognizes that the use of alcohol at prohibited times may be indicative of the need for medical treatment. The district:

- A. Encourages affected employees to seek medical and other professional help voluntarily at an early stage; and
- B. Affected employees may obtain medical and other professional help by:
 - 1. Voluntary referral – an employee who feels that s/he may have an alcohol or controlled substance problem is encouraged to seek the advice and help of her/his private physician, or any other healthcare provider. The district's Human Resources administrators' help may be sought on a voluntary and confidential basis, with questions concerning employee benefits that may be available.

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2. Mandatory referral – an employee may be referred by the district for medical or other professional help if the employee is found in the school environment while engaged in the performance of work duties under the influence of alcohol or controlled substances.

C. It is emphasized that the district's recognition of alcoholism or drug abuse as an illness will not excuse on the job impairment, or possession of alcohol or drugs on district property. The district's policies regarding this conduct are outlined in the Drug and Alcohol Related Infractions section of this policy.

Section 3: Publication

A copy of the district's Drug-Free Workplace Policy (Policy 351) and this Policy shall be given to every new employee upon hire. Copies of each policy shall be posted on the district's website.

Employee Assistance program information is available from the district's Human Resources Office and may also be posted on bulletin boards at each of the district's buildings.

Section 4: Drug and Alcohol Related Infractions

Use/Impairment Prohibited – No employee shall report for work or shall work after using alcohol such that the employee is impaired or exhibiting any visible signs of alcohol use. No employee shall report for work or shall work after using or misusing any controlled substance such that the employee is impaired or exhibiting any visible signs of controlled substance use. Lawful medications, available with or without a prescription, are permissible so long as they do not impair the employee's ability to perform her/his regular or other assigned duties safely and efficiently. "Impaired" means under the influence of a substance such that the employee's motor senses (i.e., sight, hearing, balance, reaction, reflex) or judgment either are or may be reasonably presumed to be affected. Any violation of this policy may provide just cause for discipline, up to and including discharge in accordance with the School Code and all other applicable law, including collective bargaining agreements.

Possession Prohibited – No employee shall possess any quantity of any unlawful controlled substance or alcohol while at work or at any work site while engaged in the performance of work duties for the district. Lawful medications are permissible so long as they do not impair the employee's ability to perform her/his regular or other assigned duties safely and efficiently. "Work site" means any office, building or property (including parking lots and athletic fields/facilities) owned or operated by the district, or any other site at which an employee is to perform work for the district. "Possess" means to have either in or on an employee's person, personal effects, motor vehicle, tools, and areas substantially entrusted to the control of the employee, such as desks, files, and lockers. Lawful medications include only over-the-counter drugs in reasonable amounts and prescriptions drugs in prescribed dosages. Any violation of this policy may provide just cause for discipline, up to and including discharge in accordance with the School Code and all other applicable law, including collective bargaining agreements.

Substance Screening – For the purpose of assuring compliance with the above, employees may be subject to substance screening under the circumstances described below:

1. Suspect Impairment. When there is reasonable evidence to suspect any employee has reported for work or is working impaired, s/he may be required to be referred to the employee assistance program. A release acknowledging verification of participation will be required.
2. Post-Accident. Any employee involved in a job-related accident involving the apparent violation of a safety rule or standard, which did or could have resulted in serious injury or property damage, may be subject to a controlled substance and/or alcohol screening. Refusal to submit to

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such screening shall be considered an act of insubordination, with attendant disciplinary and employment consequences.

3. Employee's Request. Any employee may make his or her own request to undergo a controlled substance and/or alcohol screening at either time.

Section 5: Miscellaneous

Privacy – The district shall treat any substance screening information or disclosure of treatment obtained or provided by employees in confidence as required by law.

Disability – This policy shall be administered so as not to interfere with the rights of applicants and employees with disabilities.