

Policy Code: 5140 ALCOHOL AND DRUG-FREE WORKPLACE ENVIRONMENT

It is the policy of the Edenton-Chowan Board of Education that a drug-free workplace shall be maintained. Each employee shall be given a copy of this policy and shall be responsible for knowing and adhering to the requirements of this policy.

A. PROHIBITED ACTIVITIES

The Board prohibits employees from engaging in the unlawful manufacture, transmission, conspiring to transmit, distribution, dispensation, possession, use, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroids, alcoholic or other intoxicating beverage, stimulants, synthetic cannabinoids, counterfeit substances, other intoxicants of any kind, or any other controlled substance as defined in (1) Schedules I through VI of the North Carolina Controlled Substances Act or in (2) Schedules I through V of Section 202 of the Controlled Substances Act ([21 U.S.C. § 812](#)) and further defined by regulation at [21 C.F.R. 1300.01 through 1300.04](#) and [21 CFR 1300.11 through 1300.15](#) at any time this policy is applicable. Employees are prohibited from possessing, using, selling, delivering, manufacturing, or being under the influence of a substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC) at any time this policy is applicable, regardless of whether it constitutes a controlled substance under state or federal law. Employees must not, at any time this policy is applicable, be impaired by the use of substances intended to induce exhilaration or euphoria or alter mood or behavior or be impaired by the excessive use of prescription or nonprescription drugs. In addition, no employee shall exude the odor of any alcoholic beverage or controlled substance while acting within the course and scope of his/her employment.

The Board prohibits the possession, use, transmission, or conspiring to transmit drug paraphernalia.

No employee shall be impaired by the excessive use of prescription or nonprescription drugs in the workplace. The proper use of a drug authorized by a valid medical prescription from a legally authorized health care provider shall not be considered a violation of this policy when the drug is taken by the person for whom the drug was prescribed. Any employee with prior knowledge that the use of a prescribed medication under a doctor's direction or an over-the-counter medication could alter the employee's ability to perform the duties and responsibilities of his/her position must notify the appropriate supervisory person. An employee is responsible for finding out from a health care professional the effects of any prescribed drug being taken. Failure to take such action may result in disciplinary action under this policy.

If in the opinion of the employee's supervisor, an employee's action and/or behavior are considered unsafe as a result of the proper use of medication, the

employee may be sent home. A conference shall be conducted with the employee prior to the employee's resuming his/her duties. Prior to the employee's returning to work, the employee must provide written assurance that:

1. The medication's use has been terminated; or
2. The medication has been adjusted/modified to avoid impairment.

B. APPLICABILITY

This policy shall govern each employee before, during or after school hours, while on any property owned or leased by the Board, at any time during which the individual employee is acting in the course and scope of his or her employment with the Board, and at any other time that the employee's violation of this policy has a direct and adverse effect upon the performance of his or her job.

Independent contractors, volunteers, and visitors are subject to all requirements of this policy while on school property or at a school-sponsored event.

C. REASONABLE SUSPICION TO SEARCH

An employee may be subjected to a search of his or her person or belongings or of school property under the employee's control if there is reasonable suspicion that the employee has violated this policy. Where there are reasonable grounds to believe that an employee is in violation of the Board's Drug-Free Workplace Environment Policy, the Superintendent may require that the employee submit to a medical examination, including a drug or alcohol assessment at the school system's expense. The drug or alcohol assessment will be conducted to determine whether the employee has been under the influence of illegal drugs, under the influence of alcohol while on duty, or impaired by the use of prescription or nonprescription drugs while on duty. If the drug or alcohol assessment is positive and there is no legitimate medical explanation for the results, the employee may be subject to disciplinary action, including termination of employment. Any drug testing shall conform with state law governing administration of controlled substance examinations.

All drug and alcohol testing will be done with procedures that ensure the confidentiality and privacy interests of the employee and in accordance with law. Employees who refuse to submit to a search or a test to detect alcohol or drug use after reasonable suspicion is established may be suspended immediately pending consideration of a decision to terminate employment.

In addition, any employee, volunteer, or independent contractor who operates a commercial motor vehicle or performs other safety-sensitive functions in the course of duties for the board may be subject to drug and alcohol testing in accordance with policy 5145, Drug and Alcohol Testing of Commercial Motor Vehicle Operators.

D. DUTY TO REPORT

An employee having reasonable grounds to believe that another employee is using or in possession of any illegal drug, or is under the influence of or in possession of alcohol while in the workplace, or is impaired by the use of prescription or nonprescription drugs while on duty shall immediately report the facts and circumstances to a supervisor/principal.

An employee must notify his or her supervisor and the Executive Director of Human Resources in writing of any arrest, charge, or conviction under any criminal drug statute ~~for a violation occurring within the scope of Section B of this policy~~. Notification must be given no later than the next scheduled business day after such arrest, charge, or conviction unless the employee is hospitalized or incarcerated, in which case the employee must report the alleged violation within 24 hours after his or her release. The notification must be given and before the employee reportsing to work. Within 10 days of receiving a notice of a criminal drug statute conviction for a violation occurring in the workplace by an employee whose position is funded in any part by a federal grant, the Executive Director of Human Resources or designee shall notify the funding agency of the conviction. "Conviction" as used in this policy includes the entry in a court of law or military tribunal of: (1) a plea of guilty, *nolo contendere*, no contest, or the equivalent; (2) a verdict or finding of guilty; or (3) a prayer for judgment continued ("PJC") or a deferred prosecution.

E. CONSEQUENCES

Violation of this policy shall subject an individual to personnel action by the Board up to and including termination of employment with the Edenton-Chowan Schools and referral for criminal prosecution or the requirement that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by the Board and a federal, state or local health law enforcement or other appropriate agency. Information concerning available counseling, rehabilitation, and re-entry programs shall be provided to employees. Any illegal drug activity will be reported to law enforcement authorities.

The Board has a strong commitment to assist any employee who voluntarily asks for help. It is the employee's responsibility to seek help for drug and alcohol problems before they must be addressed at the workplace or otherwise become apparent as unsatisfactory job performance and/or work habits. Such action on the part of the employee shall be viewed as responsible and shall be supported by the Board and the supervisor to the extent that this is consistent with protecting the safety and welfare of students, staff, and the public.

The Superintendent may devise procedures to implement this policy.

LEGAL REF: Drug-Free Workplace Act, [41 U.S.C. § 8102](#)*et seq.*; [21 U.S.C. § 812](#); [21 C.F.R. 1300.01-.04](#) and [1308.11-.15](#); [G.S. 20-138.2B](#); [90-89 to -94](#); [115C-36](#); [O'Connor v. Ortega](#), 480 U.S. 709 (1987)

CROSS REF: Drug and Alcohol Testing of Commercial Motor Vehicle Operators (Policy 5145)

ADOPTED: February 7, 2005

AMENDED: December 2, 2013; May 1, 2018

Edenton-Chowan Schools