

LAKE FOREST BOARD OF EDUCATION	Last Reviewed: April 27, 2023
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DRUG FREE WORKPLACE

The Lake Forest School District believes that alcohol and illegal drugs have no place in the work environment. Furthermore, Congress passed the Drug-Free Workplace Act of 1988, requiring agencies that receive federal money through grants to provide an alcohol and drug-free workplace, and the District supports that Act.

All violations of this policy shall be reported to the Superintendent or designee, who shall report the violation to the appropriate police authority and to the State Personnel Office. Personnel action shall be taken in all cases of a chargeable offense under Delaware Code, Title 16, Chapter 47 or comparable federal law, however, a conviction of the charged offense shall not be necessary for personnel action against the employee for a violation of this policy. The employee against whom such action is taken shall be entitled to due process pursuant to Delaware Code, Title 29, Chapter 101, and the Negotiated Agreement between the Lake Forest Board of Education and the Lake Forest Education Association

Nothing in this policy shall preclude the District from taking concurrent and/or independent personnel action against the employee under Delaware Code, Title 14, Section 121(5) for immorality, misconduct in office, incompetency, or willful neglect of duty.

For these reasons, the District adopts the following regulations on alcohol and drug-free workplace requirements for its employees:

- The unlawful manufacturing, distributing, dispensing, possession or use of alcohol or of a controlled substance is prohibited in the District, in all places where employees work, including State-owned vehicles and in carrying out any federal grant activity. A controlled substance is one which appears in schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812). As a condition of employment, each employee, including employees who have been issued a Medical Marijuana card, shall abide by this prohibition and shall notify the District of any conviction under any criminal drug statute for a violation occurring in the workplace as provided by paragraph (2) below. Violation of such prohibition shall result in personnel action against the employee, as set out in the attached schedule, which shall include action up to and including termination, and/or satisfactory participation in an approved drug abuse assistance rehabilitation program. The District has no obligation to pay for such a program, but the cost of the program may be covered by an employee's health insurance policy.
- All employees shall notify the Superintendent in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Within ten (10) days of receiving notice of an employee convicted as described above, the District shall notify the appropriate state agencies.

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- Within thirty (30) days of receiving notice of any employee convicted as described above in Section 2 the District shall take appropriate personnel action against the employee, which may include termination, or require successful completion of a drug abuse rehabilitation program at the employee's cost.
- An employee will be required to submit to drug and alcohol testing in the event of a reasonable suspicion of a violation of this policy. All drug and alcohol testing under this policy shall be conducted through the services of a District-selected, United States Department of Health and Human Services or National Institute of Drug Abuse certified drug and alcohol testing laboratory and collection site.
- The District shall give each employee a copy of the statement set out in Sections 1 - 4 above. Each employee shall sign a duplicate copy of the statement, which will be placed in the employee's personnel file.

Termination of employment may result from a first violation of any of the above policy. Where the District deems it appropriate, lesser action may be imposed such as suspension without pay and/or mandatory participation in the Employee Assistance Program. Conviction of a charged offense is sufficient, but not necessary to take personnel action against an employee for a violation of this policy.