

VALLEY CITY PUBLIC SCHOOL DISTRICT #2 VALLEY CITY, NORTH DAKOTA 58072 DRUG & ALCOHOL-FREE WORKPLACE	Descriptor Code DEAA	1st Reading 10/17/17
	Adopted 19/17/17	Revised 12/11/19

DEAA

DRUG & ALCOHOL-FREE WORKPLACE

Definitions

For purposes of this policy:

- Alcohol means any alcoholic beverage as defined in 23 U.S.C. 158 and NDCC 5-01-01.
- Drug means any controlled substance as defined in NDCC Sections 19-03.1-05 through 19-03.1-13 and 19-03.1-26 (paraphernalia); schedules I through V of the Controlled Substance Act (21 U.S.C. 812), and as further defined by regulation 21 CFR 1308-11 through 1308.
- Possession shall mean:
 - a. Actual physical possession of the drug or alcohol while on school property;
 - b. Use of consumption of the drug or alcohol while on school property
 - c. Drugs or alcohol in the employee's car, handbag, backpack or other belongings while on school property; or
 - d. Appearance by an employee on school property after having consumed or ingested the drug or alcohol that is noticeable by breath odor, speech alterations, unsteadiness of gait or posture, or like symptoms of chemical intoxication.
- Reasonable suspicion means a good faith suspicion by a trained district administrator and/or supervisor that an employee, based on objective facts and articulate observations that an employee has violated the Drug and Alcohol-Free Workplace policy and is using, or appears to presently be under the influence of drugs or alcohol.
- School property is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site, all school buildings, structures, facilities and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.
- Use means that an employee is reasonably suspected to have ingested, injected, inhaled or otherwise taken into their body drugs or alcohol, or is reasonably found to be under the influence of drugs or alcohol.

The Valley City School District #2 is committed to a safe, healthy working and learning environment for its employees and students. Therefore, the District enforces the Drug and Alcohol-Free Workplace Act. District prohibits by prohibiting employees from manufacturing, distributing, dispensing, possessing or using drugs or alcohol while on school property, unless use is at the instruction of a physician, and the physician has advised that use shall not affect the employee's ability to perform duties. Employees are also prohibited from knowingly or intentionally aiding or abetting in any of the above activities.

An employee must inform their immediate supervisor when the employee's ability to perform job duties is impaired due to on-or-off-duty drug or alcohol use.

Awareness Program

The Superintendent shall create an Employee Drug Free Awareness Program in accordance with federal law. Information on the effects of drug and alcohol misuse, signs and symptoms of a drug and/or alcohol problem, and available methods of intervention when a misuse program is detected can be found in the Central Administrative Offices.

Policy Dissemination

The Superintendent shall give a copy of this policy to each employee and maintain documentation of receipt of this information.

Violation Reporting

As a condition of employment, each employee shall agree to abide by this policy and notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The Superintendent, in accordance with applicable law, will notify the appropriate federal and/or state agency after receiving any notice of a conviction for a violation occurring in the workplace.

Violations

Violations of this policy may result in the following:

1. Mandatory participation in the Employee Assistance Program (EAP) and/or a rehabilitation program. Chemical dependency leave shall be granted in accordance with the chemical dependency leave policy;
2. Unpaid leave or suspension;
3. Termination of employment; due process procedures shall be followed prior to termination, if required; or,
4. Notification of proper law enforcement authorities.

Assistance

The Board recognizes that alcohol and/or drug addiction is a treatable disease and that early intervention and support improve the success of rehabilitation. The District shall offer an Employee Assistance Program (EAP) to assist in rehabilitation and intervention efforts. Use of the EAP will not jeopardize employment or promotion opportunities. Treatment for alcohol and/or drug addiction may be covered by the employee benefit plan; however, the ultimate financial responsibility for this treatment belongs to the employee.

Confidentiality

All information received by the District as a result of this policy is confidential. Access to this information is limited to those who have a legitimate need to know or upon written consent of the employee.

Complementing

- DEAA-E, Record of Observable Behavior
- DGB, Employee Assistance Program
- DGB-BR, Employee Assistance Program Procedure