

ADB/GBEC – DRUG-FREE WORKPLACE & DRUG FREE SCHOOLS

Category Recommended – Priority-Required by Law

Identical Policy: GBEC

Related Policy: JICH

A. *Drug-Free Workplace*

1. *All District workplaces are drug and alcohol free. All employees and contracted personnel are prohibited from:
 - a. *Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of any controlled substance or drug while on or in the workplace, including employees possessing a “medical marijuana” card.*
 - b. *Distributing, consuming, using, possessing, or being under the influence of alcohol while on or in the workplace.**
2. *For purposes of this policy, a “controlled substance or drug” means and includes any controlled substance or drug defined in the Controlled Substances Act, 21 U.S.C. § 812©, or New Hampshire Controlled Drug Act RSA 318-B.*
3. *For purposes of this policy, “workplace” shall mean the site for the performance of work, and will include at a minimum any District building or grounds owned or operated by the District, any school-owned vehicle, and any other school-approved vehicle used to transport students to and from school or school activities. It shall also include 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, care or control of the District.*
4. *As a condition of employment, each employee and all contracted personnel will:
 - a. *Abide by the terms of this policy respecting a drug and alcohol free workplace, including any administrative rules, regulations or procedures implementing this policy; and*
 - b. *Notify his/her supervisor of his/her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.**
5. *In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:
 - a. *Provide each employee with a copy of the District drug and alcohol free workplace policy;*
 - b. *Post notice of the District drug and alcohol free workplace policy in a place where other information for employees is posted;*
 - c. *Establish a drug free awareness program to educate employees about the dangers of drug abuse and drug use in the work place, the specifics of this policy, including, the consequences for violating the policy, and any information about available drug and alcohol counseling, rehabilitation, reentry, or other employee-assistance programs.**

B. *District Action Upon Violation of Policy*

An employee who violates this policy may be subject to disciplinary action; up to and including termination of employment. Alternatively, the Board may require an employee to successfully complete an appropriate drug or alcohol abuse, employee-assistance rehabilitation program.

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction. Should District employees or contracted personnel be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee/contracted personnel’s conviction, within ten (10) days after receiving notice of the conviction.

The processes for disciplinary action shall be those provided generally to other misconduct for the employee/contractor personnel as may be found in applicable collective bargaining agreements, individual contracts, School Board policies, contractor agreements, and or governing law. Disciplinary action should be applied consistently and fairly with respect to employees of the District and/or contractor personnel as the case may be.

C. *Drug-Free School Zone*

Pursuant to New Hampshire’s “Drug-Free School Zone” law (RSA Chapter 193-B), it is unlawful for any person to manufacture, sell prescribe administer, dispense, or possess with intent to sell, dispense or compound any controlled drug or its analog, within a “drug-Free school zone”. The Superintendent is directed to assure that the District is and remains in compliance with the requirements of RSA 193-B, I, and N.H. Ed. Part 316 with respect to establishment, mapping and signage of the drug-free zone around each school of the District.

OPTIONAL-MAY ONLY BE ADOPTED UPON REQUEST BY A SYRINGE SERVICE PROGRAM ADMINISTRATOR
– see 2nd paragraph of NHSBA revision note September 2018 below. Notwithstanding above paragraph, the board grants an exception to allow for a Syringe Service Program within the boundaries of the Drug-Free Zone of the Winchester School, and as required by _____ (name of organization), a syringe service program administrator/operator as that terms in used in RSA 318-B:43 and 45.

D. Implementation and Revise

- a. *The Superintendent is directed to promulgate administrative procedures and rules necessary and appropriate to implement the provisions of this policy.*
- b. *In order to maintain a drug-free workplace, the Superintendent will perform a biennial review of the implementation of this policy. The review shall be designed to (i) determine and assure compliance with the notification requirements of section A.5, a, b and d; (ii) determine the effectiveness of programs established under paragraphs A.5.c above; (iii) ensure that disciplinary sanctions are consistently and fairly enforced; and (iv) and identify any changes required, if any.*

Legal References:

- *41 U.S.C. §101, et. Seq. – Drug-Free workplace requirements for Federal contractors, and Federal grant recipients*
- *RSA Chapter 193-B Drug Free School Zones*
- *N.H. Admin. Code, Ed. Part 316*
- *Legal References Disclaimer: These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, not as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

Revised: April 2010

Revised: February 2004, July 1998

Originally adopted by WSB Fall 1990, August 18, 1988

Reviewed: 5/1/08

Approved 5/15/08

Revised & Approved 11/16/2017

Reviewed & Approved 3/1/2018

Reviewed & Approved 12/20/2018