

## DRUG-FREE WORKPLACE

The Board of Education prohibits the manufacture, distribution, dispensing, possession and/or illegal use of any controlled substances in the workplace. "Workplace" shall mean any site on school grounds, at school-sponsored activities, or any place in which an employee is working within the scope of his/her employment or duties. "Controlled substances" shall include drugs which are illegal because they have no legitimate medical purpose. The district will require that an individual, for whom drugs (which have legitimate medical uses, but are highly addictive) have been prescribed, provide a physician's statement attesting to the use of such drugs by the individual for whom it was prescribed.

The Superintendent of Schools or his/her designee shall implement related regulations which outline the requirements of the federal Drug-Free Workplace Act of 1988.

Cross-ref: 3230, Organization Chart  
9125.1, Staff Substance Abuse

Ref: Drug-Free Workplace Act (DFWA), P.L. 100-690  
Controlled Substances Act, 21 USC 812  
21 CFR 1300.11-1300.15  
34 CFR Part 85 (U.S. Dept. of Ed. Regulations under the DFWA)  
Civil Service Law §75  
Education Law §3020-a  
*Patchogue-Medford Congress of Teachers v. Board of Education*,  
70 NY2d 57 (1987)

Adoption date: June 21, 1993

**DRUG-FREE WORKPLACE REGULATION**

1. The Superintendent of Schools shall certify to any federal agency making a direct grant to the district that the district will provide a drug-free workplace, in accordance with the Drug-Free Workplace Act of 1988.
2. The Superintendent or his/her designee shall establish a drug-free awareness program to inform employees about:
  - a. the dangers of drug abuse in the workplace;
  - b. the district's policy of maintaining a drug-free workplace;
  - c. any available drug counseling, rehabilitation, and employee assistance programs; and
  - d. the penalties that may be imposed upon employees for drug abuse violations.
3. The Superintendent or his/her designee shall publish a statement notifying district employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace (as defined by district policy). The statement shall specify the actions that will be taken against employees for violations of such prohibition. Each employee shall receive a copy of this statement and the Drug-Free Workplace Act of 1988.
4. Each employee, as a condition of employment on any direct federal grant, shall:
  - a. abide by the terms of the statement; and
  - b. notify his/her immediate supervisor, who shall notify the Superintendent, of any criminal drug statute conviction for a violation occurring in the workplace within three (3) days of such conviction.
5. The Superintendent shall notify the Board of Education of any such conviction(s), and shall notify the granting agency within 10 days after receiving notice of such conviction(s) from any source.
6. Within 30 days of such conviction(s), the district shall initiate appropriate disciplinary action against any employee so convicted in the manner provided for by law, up to and including dismissal, and/or require his/her satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
7. The district shall make a "good faith effort" to continue to maintain a drug-free workplace through implementation of these regulations.

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