

CHAPTER: PERSONNEL
TITLE: DRUG FREE WORKPLACE

Section 1. GENERAL

This policy applies to all employees of the Calhoun County Board of Education.

Section 2. PURPOSE

To provide for a Drug-Free Workplace for all persons in the public schools of Calhoun County.

Section 3. DEFINITIONS

3.1 Drug-Free Workplace. Any place, location, or worksite where work is performed in connection with the employee's relationship or contract with the Calhoun County Board of Education. The workplace shall include, but not be limited to any facilities, property, buildings, offices, workstations, desks, bathrooms, lockers, supply areas, structures, automobiles, trucks, trailers, other vehicles, and parking areas, whether owned, occupied, or leased by the Calhoun County Board of Education.

3.2 Employee. Any person who works or provides or performs services, full-time, part-time, as a volunteer or under contract, without regard to whether the person receives or is promised any form of compensation from the Calhoun County Board of Education, including management of temporary staff who are directly engaged in the performance of work pursuant to the mission of the Calhoun County Board of Education.

3.3 Controlled Substance. A federally regulated substance listed in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) or West Virginia Code 60A-2-201, et seq., (which may be amended from time to time), which, when introduced into the body, by any means including, but not limited to, inhalation, injection or oral ingestion, impair mental faculties and/or physical behavior or performance.

3.4 Conviction. A plea or a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State Criminal Drug Statutes.

3.5 Criminal Drug Statute. A criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.

3.6 Grantee. Any department, division, unit, entity, or any person responsible for the performance of work under the provisions of a federal grant.

3.7 Contractor. Any department, division, unit, entity, or any person responsible for the performance of work under a contract.

3.8 Federal Agency . Any agency as that term is defined in Section 552(f) of Title IV, United State Code.

3.9 Alcohol. Alcoholic beverages and any other intoxicating liquid which contain alcohol.

3.10 Legal Drug. Prescribed drugs, if taken as prescribed, by persons for whom prescribed, which have been legally obtained and are being used solely by the person for whom prescribed and for the purpose for which they were prescribed by a physician or manufacturer, and over-the-counter drugs.

3.11 Illegal Drugs. Any drug which is not legally obtainable and/or is being used by a person other than the person for whom prescribed or in a manner or for a purpose other than as prescribed.

3.12 Paraphernalia. Any item, thing, or device as defined by West Virginia Code Section 47-19-3.

Section 4. CONTENT

4.1 It is the policy of the Calhoun County Board of Education to ensure that its workplaces are free of illegal drugs, alcohol, and controlled substances and free of persons under the influence of any drug except as prescribed for the individual employee and taken as prescribed for the individual employee, by prohibiting the unlawful manufacture, distribution, possession, abuse, or use, without medical authorization, of illegal or controlled substances and/or alcohol, and/or the reporting to work or being at work while under the influence of an illegal drug, or controlled substance, or alcohol, unless prescribed for the individual employee and taken as prescribed by the individual employee; or possession of non-medically prescribed paraphernalia or possession of paraphernalia prescribed for another.

4.2 The policy is applicable while employees are engaged in any work-related activity at any location, place or worksite, which includes performance of business at any time, including but not limited to, during regularly scheduled work days, meal breaks, and/or occasions having any connection with the Board of Education.

4.3 Possession, use, and/or distribution of alcohol, illegal drugs, or a controlled substance, unless prescribed for the individual employee and taken as prescribed for the individual employee, will be dealt with promptly in accordance with legal and administrative disciplinary procedures.

4.3.1 Employees who violate the provisions of the Drug-Free Workplace Act shall be subject to disciplinary action up to and including termination for the first offense, and/or may be required to satisfactorily complete a drug rehabilitation or assistance program as a condition of continued employment. Rehabilitation will be provided according to the guidelines of the Public Employees Insurance Agency, for those who are covered by PEIA. The Board shall have no duty to pay for or to defray any costs or expenses associated with rehabilitation, but will cooperate with any group health insurance carrier or rehabilitation facility. All rehabilitation leave shall be unpaid leave.

4.3.2 When an offense is committed, an employee may be suspended without pay or may be dismissed from employment. Grounds for suspension or dismissal include, but are not limited to, misuse of county property, insubordination, incompetence, willful neglect of duty, and violations of law and/or policy of the Board.

4.4 The policy's primary goal is to ensure that alcohol, illegal drug and/or controlled substance use, unless prescribed for the individual employee and taken as prescribed for the individual employee, and/or abuse is eliminated to assure that the Calhoun County Board of Education workplace is safe, healthful, productive, and secure for its employees, students, and citizens. Nothing in this policy shall prohibit an employee's use or possession of a Legal Drug.

4.5 As a condition of employment with the Calhoun County Board of Education, employees shall;

4.5.1 Abide by the terms of this policy; compliance is mandatory.

4.5.2 Notify the Superintendent of any Criminal Drug Statute conviction for a violation occurring in the workplace, no later than five (5) days after such conviction.

4.5.3 Sign the Calhoun County Board of Education Drug-Free Workplace Verification Statement.

4.6 It shall be the responsibility of the Superintendent of Calhoun County Schools to establish a drug awareness program for Calhoun County Board of Education employees to provide information on the following:

4.6.1 Employee referral program.

4.6.2 The dangers of drug abuse in the workplace.

4.6.3 The establishment and maintenance of a drug-free workplace.

4.6.4 The penalties for workplace drug abuse.

4.6.5 Available drug-free literature.

4.7 It shall be the responsibility of the Superintendent of Calhoun County Schools to notify the granting agency within ten (10) days after receiving notice from an employee, or otherwise receiving actual notice, of the employee's conviction of any Criminal Drug Statute for a violation occurring in the workplace.

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