

PERSONNEL POLICIES

DUTIES, RESPONSIBILITIES, AND RIGHTS OF EMPLOYEES – POLICY GBCC

ALCOHOL- AND DRUG-FREE WORKPLACE EMPLOYEES

The Carteret County Public School System has a vital interest in maintaining a safe, healthful, and productive environment for its employees and the students under its supervision. Employees who appear at schools or school sponsored events under the influence of alcohol or whose physical condition indicates alcohol use, or who use or possess illegal drugs, or who unlawfully use prescription drugs, undermine the quality of job performance, endanger coworkers and students, destroy the status of teachers and other school employees as role models for students, and bring discredit to the school system. While this policy is designed to promote federal law and regulations with respect to an alcohol and drug-free work place, it also has a primary goal of promoting the position of teachers and other school employees as role models for students.

Alcohol and drug use among students is a problem throughout this country. Alcohol and drug use by students in connection with school activities is strictly prohibited. Further, it is a violation of the laws of the State of North Carolina for students to consume or possess any alcoholic beverage or to use or possess illegal drugs. The requirement that teachers and employees refrain from any identification with alcohol use in connection with school activities, and refrain from use of or possess illegal drugs whether in connection with school activities or not, will enhance their position as role models for students. The regulations promulgated under this policy will be strictly enforced.

In any job related context, the school system will not tolerate the possession or use of alcohol or illegal drugs by its employees, or a physical condition that indicates alcohol or illegal drug use by its employees, or unlawful use of prescription drugs by its employees. Further, the system will not tolerate the use of illegal drugs by its employees in any situation, whether in or out of the work place.

REGULATION

As a condition of employment, each employee shall abide by the terms of the school district policy/regulation respecting an alcohol and drug free work place.

No employee shall unlawfully manufacture, dispense, possess, or use on or in the work place, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in Schedule I through V of Section 202 of the Control Substance Act (21 U.S.C. 812) and as further defined by regulation at 21 CFR 1300.11 through 1300.15. Controlled substances defined in the Control Substance Act are referred to in this policy/regulation as either "controlled substances" or "drugs". No employee shall be present at his/her work place either under the influence of a controlled substance or having detectable control substance in his/her body (except as legally

prescribed by a licensed physician). Use by employees of controlled substances without a legal prescription, whether in or out of the work place is prohibited.

In the work place no employee shall possess or consume any alcohol or be under the influence of alcohol (legal intoxication not required) or have measurable amounts of alcohol in his/her body or smell of alcohol. Further, no employee shall be present at his/her work place having used or consumed alcohol within the previous eight hours. Bona fide use and possession of medications containing low percentages alcohol, whether prescription or not, is not a violation of this policy, unless such use adversely affects the behavior or the employee or causes a physical condition that indicates alcohol use.

"Work place" is defined to mean the site for the performance of work. "Work place" includes any school building, any school campus, the Central Office and its campus, the school bus maintenance garage and its surrounding properties, all real estate owned or leased by the Carteret County Board of Education and used in connection with the school system, any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities, approved activity, event or function, such as a field trip, athletic event, or project graduation.

As a condition of employment, each employee shall notify his/her supervisor of his/her arrest or conviction for any controlled substance or alcohol related criminal offenses or infractions, and will also notify his/her supervisor of his/her conviction of any drug or alcohol related offenses. Such notifications must be provided within five days after the event. The fact that an employee was arrested is not competent evidence against the employee in subsequent disciplinary actions absent a conviction or independent evidence establishing the employee's conduct giving rise to the arrest as a violation of this regulation.

Upon reasonable suspicion of a violation of the policy and regulations with respect to Duties, Responsibilities, and Rights of Employees - Alcohol- and Drug-Free Work Place, the Office of Human Resources Services may require an employee to submit to a breathalyzer or equivalent device, and/or to submit to a medical examination which may include blood testing to determine whether drugs or alcohol are present within the employee's body. An employee requested to submit to a test under this paragraph shall give written consent to a test authorizing the release of test results to the Superintendent of Schools of Carteret County. Failure to submit to a test or failure to release the test results to the Superintendent shall be a violation for purposes of disciplinary action.

In the event of a violation of this policy/regulation, such employee shall be subject to discipline up to and including non-renewal or dismissal. In the event of a violation of this policy, the Superintendent and the employee are authorized to discuss a rehabilitative program for the employee that will include counseling and/or treatment of the employee at a facility licensed by the Department of Human Resources, State of North Carolina for the treatment of drug or alcohol abuse. If the Superintendent is satisfied that treatment at such a facility is an appropriate alternative to other disciplinary actions, he may approve

an appropriate rehabilitative program, and the use of available sick leave and/or vacation days. However, leave in connection with a rehabilitative program beyond sick days and vacation days will be without pay. Satisfactory participation in and successful completion of the rehabilitative program and an affirmative demonstration by the employee that he/she has, for a reasonable time not exceeding one year remained free of drug or alcohol use may be a condition of reinstatement and continued employment. The rehabilitative program may include a leave of absence without pay for up to one year.

In the event the Superintendent does not agree that a rehabilitative program is an alternative to other discipline including dismissal and proceeds to recommend to the Board of Education discipline that would include demotion or dismissal, the Board of Education, at any hearing lawfully requested by the employee may, in lieu of demotion or dismissal, approve a rehabilitative program for the employee as above. Participation by an employee in a rehabilitation program will be handled in confidence. Upon returning from a treatment program, the Director of Personnel will (a) seek to be involved in the discharge planning process; (b) conduct a reentry meeting with the employee's supervisor to clarify short-term and long-term expectations for performance; (c) communicate to the employee the school system's recommendation and encouragement for the employee to participate in a support program which may include system support group, AA or NA, or aftercare counseling; (d) the employee's supervisor will remain in contact with the recovering employee to assess progress and assist in any way possible.

A notice will be issued to all employees annually describing the duties, responsibilities and rights of employment outlined under this regulation.

This regulation is specifically declared to be "a requirement of the Board" pursuant to G.S. 115C-325 (e)(1)j.

All applicants for part-time or full-time positions who, as part of his/her duties, drives a vehicle, repairs school equipment, or repairs school vehicles, will be directed to submit to a controlled substance abuse screening which will include testing of the applicants urine. Testing will be done for amphetamines, cannabinoids, cocaine, opiates, and illegal drugs or non-prescribed drugs in his/her system will be verified by further tests on the original samples taken. Verified positive results will be cause to deny employment to any individual. A Medical Review Officer will be available to discuss any positive results from the testing. Any applicant refusing to submit to a controlled substance screening will be disqualified for employment.

All current employees who operate or repair school vehicles and equipment will be subject to a controlled substance abuse screening no less than once every two (2) years.

Test results

indicating that an employee has illegal drugs or non-prescribed drugs in his/her system will be verified by further tests on the original samples taken. Verified positive results will be cause to terminate employment of the individual. A Medical Review Officer will be available to discuss any positive results from the testing. Any employee refusing to submit to a controlled substance screening will be terminated.

If any employee, while on school property, while operating a school vehicle, or while engaging in school district business, acts in an abnormal manner sufficient to cause reasonable suspicion that he/she has violated this policy, he/she will be required to submit to a controlled substance/alcohol abuse screening upon the approval of the supervisor. Test results indicating that the employee has illegal drugs, alcohol, or non-prescribed drugs in his/her system will be verified by further test on the original samples taken. Verified positive results will be cause to terminate employment of the individual. A Medical Review Officer will be available to discuss any positive results from the testing. An employee who tests positive will have the right to be examined, in a timely manner, at his/her own expense by an authorized Medical Review Officer of his/her choice. Any employee refusing to submit to a controlled substance/alcohol screening will be terminated.

If any employee while operating a school district vehicle or equipment, is involved in an accident that results in a fatality, that results in a bodily injury requiring a person be treated away from the scene of the accident, or that results in total aggregate property damage in excess of forty-four hundred dollars (\$4400.00) based on reliable estimate, will be required to submit to a controlled substance/alcohol abuse screening. Samples for testing will be taken within thirty-two (32) hours of such an accident. Test results indicating that the employee has illegal drugs or non-prescribed drugs in his/her system will be verified by further tests on the original samples taken.

A Medical Review Officer will be available to discuss any positive results from testing. Any employee refusing to submit to a controlled substance screening will be terminated.

All employees who operate or repair school vehicles and equipment will be subject to random testing for controlled substance abuse. Random testing will be done in a fair and equitable manner with notification given two (2) hours prior to specimen collection. If the elapsed time from notification to collection exceeds four (4) hours, written documentation stating the reason for the delay must be kept on file. Test results indicating that an employee has illegal drugs or non-prescribed drugs in his/her system will be verified by further tests on the original samples taken. Verified positive results will be cause to terminate employment of the individual. A Medical Review Officer will be available to discuss any positive results from the testing. An employee who tests positive will have the right to be examined, in a timely manner, at his/her own expense by an authorized Medical Review Officer of his/her choice. Any employee refusing to submit to a controlled substance screening will be terminated.

The results of the controlled substance abuse screenings are strictly confidential and retained only by the Personnel Director. All costs for required controlled substance abuse testing will be paid by the Board of Education.

The use of legal drugs prescribed by a licensed physician for specific treatment will not result in disciplinary action. However, any employee who must use such prescribed medication while engaged in school business and who has been advised by a physician

that his/her performance behavior might be adversely affected by such medication particularly in safety sensitive situations, should report these facts to his/her supervisor with appropriate documentation. The supervisor with input from Personnel will determine if temporary reassignment of duties is appropriate.

LEGAL REF.: G.S. 115C-325(e)(1)j.

**CARTERET COUNTY BOARD OF EDUCATION
EMPLOYEE ACKNOWLEDGMENT OF ALCOHOL AND
DRUG FREE WORK PLACE POLICY**

Name of Employee: _____

Employee's Position: _____

Date: _____

The employee listed above received a copy of policy GBCC and regulation GBCC both captioned "Duties, Responsibilities, and Rights of Employees-Alcohol and Drug Free Work Place" on the date written above.

The employee acknowledges (or the supervisor certifies that the employee was advised) that the regulation requires the employee to notify his supervisor within the school system of an arrest and of any subsequent conviction of any drug or alcohol related offense as described in the regulation, within five days of the date of such event. The employee acknowledges or was advised that within ten days of his notice to his supervisor of his conviction of any drug related offense, the school system will advise any affected federal agency of that conviction. The employee understands or was advised that he will be disciplined up to and including non-renewal or dismissal for a violation of the policy or regulation of the School Board regarding Duties, Responsibilities, and Rights of Employees Alcohol and Drug Free Work Place.

EMPLOYEE OR SUPERVISOR