

POLICY D 11

BURLINGTON SCHOOL DISTRICT D 11: NARCOTIC, DRUG, PRESCRIPTION DRUG AND ALCOHOL POLICY FOR EMPLOYEES

Former Policy GBEC

The Burlington School Board recognizes the unique status and special responsibility of the people employed by the District and the influence they have on children. The Board recognizes that substance abuse is a serious problem in our society today; that an employee's substance abuse problem could adversely impact his or her job performance, his/her role as a model for children, endanger the safety of him/herself, other members of the school community, the general public, and property.

The Board expects employees to arrive at work and to remain in a condition free from illegal drugs or alcohol which may impair their work performance or endanger themselves, others or property. Therefore, it is the policy of the Burlington School District to prohibit any District employee's use, manufacture, distribution, dispensing of, or possession of any alcoholic beverage or any illegal drug while engaged in work, during authorized breaks and while at the workplace, during or after work hours.

Any employee reporting to work under the influence of illegal drugs or alcohol or any employee discovered to be under the influence of illegal drugs or alcohol during work or while at the workplace shall be required to leave the premises and may be escorted home. An employee may be judged to be under the influence of alcohol or illegal drugs when the Supervisor receives a report of an employee's appearance and/or behavior which, in conjunction with personal observations, leads the Supervisor to conclude that there is probable cause to believe that the employee is unable to perform his/her duties in a safe and adequate manner.

The Supervisor is encouraged to counsel, refer and/or discipline an employee who violates this policy, in a manner consistent with the circumstances and with contractual and legal obligations. A violation of this policy may be considered a serious disciplinary matter and may subject the violator to disciplinary action up to and including dismissal where appropriate.

The District also prohibits the use of prescription drugs by an employee while en route to work, engaged in work, during authorized breaks or while in the workplace if such prescription drug use could reasonably be expected to create a situation whereby the employee could foreseeably cause personal injury to him or herself, another member of the school community, the general public, or cause damage to property. Any employee who has been medically advised to take any of the substances specified in Schedules II through IV of the Controlled Substance Act or 21 V.S.A. §511(3) on a prescription basis shall inform his/her Supervisor of such prescription(s) with acceptable medical documentation. Employees may also report any other prescription

medication if they are concerned about possible impairment due to side effects of its use. If the Supervisor determines upon appropriate inquiry that damage or injury is reasonably foreseeable, the employee and the Supervisor shall meet and determine the appropriate action to be taken by such employee. The consultation with the Supervisor shall be held strictly confidential unless a disciplinary proceeding results from an employee's failure to follow the direction given to him/her as a result of such meeting.

Any disciplinary actions taken shall be in accordance with both the circumstances of the event and with existing contractual and legal obligations.

All such incidents of reported abuses must be reported in full to the Superintendent or his/her designee.

Sources: 21 V.S.A. § 511

21 U.S.C. 801 et seq., Controlled Substances Act

CROSS REFERENCES: DRUG FREE WORKPLACE, D 5R
SUBSTANCE ABUSE STUDENTS, F 10R

Definitions for Purpose of Policy and Procedure:

Drug: shall mean any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, their metabolites, or any other controlled substance which is listed in schedules I through V of section 812 of the Controlled Substance Act, (21 U.S.C. § 812), alcohol, and other drugs or their metabolites, as defined by Vermont state law, including, but not limited to 21 V.S.A. § 511(3)(see list below).

Substances Specified in 21 V.S.A. §511(3): Schedule I drugs as listed by the United States Drug Enforcement Administration, their metabolites and other drugs or their metabolites and alcohol. "Drug" also means other drugs or their metabolites which are likely to cause impairment of an individual on the job which include amitriptyline, amphetamines, barbiturates, benzodiazepines, cannabinoids, cocaine, doxepin, glutthemide, hydromorphone, imipramine, mepredine, methadone, methaqualone, opiates, oxycodone, pentazocine, phenytoin, phencyclidine, phenothiazines, propoxyphene. "Drug" also means any drug the Commissioner of Health may add to this list pursuant to Chapter 25 of Title 3, which are not recognized as being commonly abused and are likely to cause impairment of the employee on the job.

Supervisor: means the principal of the school or director of the program where the employee works, or his or her designee. If the employee suspected of being under the influence is a principal or director, the Superintendent of Schools will act as the Supervisor.

Employee: is defined as an administrator, teacher, education assistant, office personnel, maintenance and custodial personnel, sub-contracted personnel, and any other part-time or full-time personnel employed by the Burlington School Department.

Workplace: includes any school building, school property, school owned vehicles, or school approved vehicle used to transport students or employees to and/or from school or school activities; and off school property during any school sponsored or school related activity, event or function where students are under the jurisdiction of the school district.

Sources: 21 V.S.A. § 511

21 U.S.C. § 801 et seq., Controlled Substances Act

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POLICY ADOPTED: July 14, 1999

