

DRUG-FREE WORKPLACE

The Evangeline Parish School Board, in compliance with the *Drug-Free Workplace Act of 1988*, recognizes its obligation in providing and maintaining a drug-free workplace to remain eligible to receive federal grants and in support of local, state and national efforts to achieve drug-free schools and communities.

The Evangeline Parish School Board shall:

- A. Advise all employees through the distribution of this policy that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance and/or intoxicants are prohibited in any workplace with the Evangeline Parish School Board. For any Evangeline Parish School Board employee, the consequences of violation of this prohibition shall be any or all of the following based on the specific offense: testing for presence of drugs/alcohol in body by a recognized hospital or chemical dependency unit, counseling, reprimanding, termination, suspension with or without pay while the case is pending in court. Confirmed or substantial evidence of the use, sale, or possession of controlled substances by any Evangeline Parish School Board employee while off duty or off school premises shall result in any or all of the following:
 1. Requiring the employee to submit to a drug test from a recognized hospital or chemical dependency unit and presenting to the Superintendent or his/her designee certification from the agency performing the test that employee is drug free.
 2. Immediate suspension with or without pay and recommendation for job termination.
 3. Conviction for use, distribution, or possession of controlled substances while off duty or off school premises shall result in termination. The employee shall be required to participate satisfactorily in an approved substance abuse assistance or rehabilitation program before he or she is reconsidered for employment with the School Board.
- B. The Evangeline Parish School Board shall notify all employees that, as a condition of employment under the grant, all employees will abide by the preceding statement and notify the Superintendent or a designated representative of the drug statute violation occurring in the workplace no later than five (5) days after such conviction. The Superintendent or a designated representative will notify the agency within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of

such conviction.

- C. The Evangeline Parish School Board shall take one or more of the following actions within thirty (30) days of receiving notice with respect to any employee who is so convicted:
1. Taking appropriate personnel action against such an employee, up to and including termination; or
 2. Requiring such employee to participate satisfactorily in a drug assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.
- D. *A Drug Awareness Program* developed by the Evangeline Parish School Board will inform all employees about:
1. The dangers of drug abuse in the workplace.
 2. The School Board's policy of maintaining a drug-free workplace.
 3. Any available drug counseling, rehabilitation, and/or employee assistance programs.
 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace.
- E. In order to accomplish the objectives of this policy, the School Board reserves the right, at all times and in any work area, when circumstances warrant or reasonable cause exists, to conduct unannounced reasonable searches and inspections of School Board facilities. These searches will be conducted by authorized supervisors or search personnel, including drug detection dogs. The areas open to search include but are not limited to lockers, briefcases, desks, boxes, lunch boxes, tool chests, vehicles, and other personal effects of employees.

EMPLOYMENT CONDITIONS

Condition of Continuation of Employment

Compliance with the Evangeline Parish School Board's current or amended *Drug-Free Workplace* and *Employee Alcohol and Drug Testing* policies is a condition of continuation of employment. Failure or refusal of an employee to cooperate fully, sign any required document, submit to any inspection or test, or follow any prescribed course of substance abuse treatment shall be grounds for discipline, up to and including termination. Violation of any part of these policies shall be grounds for termination.

Consequences of Refusal by Employee

Any employee refusing to consent to testing or to submit a saliva, urine or blood sample for testing when requested by management, and such request is based on reasonable circumstances, shall be subject to disciplinary action, up to and including termination of employment. Attempted or actual substitution or adulteration of samples shall be equivalent to refusal to submit to testing or equivalent to a positive drug test.

Prescription Drugs

No prescription drug shall be brought on any property owned or operated by the Evangeline Parish School Board by any person other than the one for whom it is prescribed; and such drugs shall be used only in the manner, combination, and quantity prescribed. The use or possession of prescription drugs contrary to this provision shall result in the drug being deemed an illegal drug.

Unauthorized Possession or Consumption of Alcoholic Beverages

Unauthorized possession or consumption of alcoholic beverages by persons on public school property shall result in the person(s) being fined not more than one thousand dollars and imprisoned not less than fifteen (15) days nor more than six (6) months without benefit of suspension of sentence.

EMPLOYEE ASSISTANCE PROGRAM

Employees who feel they need help with an alcohol or drug abuse problem are urged to contact the Superintendent or his/her designee. Assistance is available to employees at the employee's expense. Assistance may include referral to counseling or medical agencies and a leave of absence for treatment when appropriate.

If a leave of absence is necessary for treatment, and is approved, the employee's position (or one similar to it) will be held open for a reasonable period of time. After successful completion of treatment, the employee will be reinstated at the same pay

without loss of benefits. Note that a health insurance policy might have some provisions for payment of this type of treatment.

After return to work, the employee's performance, progress, and follow-up treatment shall be monitored. Failure to continue any recommended therapy shall result in termination. Failure to follow all Board policies and regulations pertaining to drugs and alcohol shall result in termination. In addition, an employee may be required to take periodic urine or blood alcohol screenings to verify progress.

Any information disclosed by an employee relating to a problem or its treatment shall be treated as confidential.

DEFINITIONS

Alcoholic beverage is any fluid or solid capable of being converted into fluid, suitable for human consumption, and having an alcoholic content of more than 6% by volume, including alcohol, but excluding antiseptics, toilet preparations, and scientific/chemical products unfit for human consumption.

Controlled substance is any substance listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 821), and as further defined by federal regulations 21 CFR 1308.11 through 1308.15 and/or La. Rev. Stat. Ann. §40:963 et seq.

Conviction is a finding of guilt (including a plea of nolo contendere or imposition of sentence or both) by any judicial body charged with the responsibility to determine the violations of the Federal or State criminal drug statutes.

Workplace is any Evangeline Parish School Board property or other site where work is performed by employees of the School Board, whether owned, leased, or used by the school system, at any school-sponsored or supervised activity, in any School Board owned, leased, vehicle, machinery or equipment used in the course of Board employment, including any school bus or any employee workplace.

Ref: 20 USC §7101 et seq. (*Safe and Drug-Free Schools and Communities*); 21 USC §812 (*Schedules of Controlled Substances*); 41 USC §§701-707 (*Drug-Free Workplace*); 21 CFR 1308.11 (*Schedules of Controlled Substances*); La. Rev. Stat. Ann. §§14:91.7, 17:240, 17:405, 40:961, 40:962, 40:963, 40:964, 40:967, 40:968, 40:969, 40:970, 40:971, 40:971.1; Board minutes, 9-19-90.