

GILMER COUNTY SCHOOLS DRUG-FREE WORKPLACE POLICY

Section 1. General

- 1.1 The Gilmer County Board of Education recognizes the need to provide a high quality work environment for employees, its students, contractors and subcontractors. The use of tobacco, alcohol, and/or other illegal drugs is a health and safety hazard, as well as, a productivity inhibitor.
- 1.2 The Board of Education assures full compliance with all Federal and State regulations/laws pertaining to a drug free workplace. Therefore, no employee shall report to work under the influence of a non-medically prescribed controlled substance or alcohol; nor be in the possession of a non-medically prescribed paraphernalia, nor unlawfully manufacture, distribute, possess or use without medical authorization, illegal or controlled substances and/or alcohol.

Section 2. Purpose

The policy's primary goal is to ensure that alcohol, tobacco, illegal drug and/or controlled substance use is eliminated in the workplace and that the school system workplace is safe, healthful, productive and secure for all persons in the Gilmer County schools.

Section 3. Definitions

The following are definitions of terms as used in context to this Drug-Free Workplace Policy:

- 3.1 alcohol: alcoholic beverages or any other intoxicating liquid which contains ethyl alcohol, whatever its origin and still include synthetic ethyl alcohol but not denatured alcohol.
- 3.2 contractor: any business, corporation, or any person responsible for the performance of work under a contract.
- 3.3 controlled substance: a federally regulated substance listed in Exhibit A and/or Schedule through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and WV Code 60A-2-201, et seq., (which may be amended from time to time), when taken into the body, may impair one's mental faculties and/or physical performance.

- 3.4 conviction: a finding of guilty (including a plea of nolo contendere) or the imposition of a sentence, or both, by any judicial body charged with the responsibilities 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 Drug-Free Workplace: a worksite where work is performed in connection with the employee's Gilmer County Schools employment. The workplace shall include facilities, property, buildings, offices, structures, automobiles, trucks, trailers, buses, other vehicles, and parking areas, whether owned or leased by Gilmer County Board of Education and/or its agencies.
- 3.7 employee: any person who works full-time, part-time, or under contract, including management, temporary staff, and/or volunteers who are directly engaged in the performance of work pursuant to the mission of the Gilmer County Board of Education.
- 3.8 grantee: any department, division, unit, or any person responsible for the performance of work under the provisions of a federal grant.
- 3.9 illegal drug: any drug which is not legally obtainable and is being used in a manner or for a purpose other than as prescribed.
- 3.10 imitation controlled substance: a controlled substance which is falsely represented to be a different controlled substance, or a drug or substance or other drug or substance or a combination thereof which is shaped, sized, colored, marked, imprinted, numbered, labeled, packaged, distributed or priced so as to cause a reasonable person to believe that it is a controlled substance.
- 3.11 legal drug: prescribed drugs and over-the-counter drugs which have been legally obtained and are being used solely for the purpose for which they were manufactured or as prescribed by a physician.

Section 4. Content

- 4.1 It is the policy of the West Virginia Department of Education and of the Gilmer County Board of Education to ensure that its workplaces are Drug-Free. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance and/or alcohol is therefore prohibited in the workplace. In addition, no employee shall report for work on any Gilmer County Board of Education project, whether on-site or in the field, while under the influence of alcohol and/or illegal drug. Such actions shall result in legal and administrative procedures. Additionally this policy is applicable while employees are engaged in any work-related activity which includes performance of agency business during regularly scheduled work days, meal breaks, and/or occasions having a connection with the job or the agency. This policy applies to all employees of the Gilmer County Board of Education.
- 4.2 Employees who are in violation of the provisions of the Drug-Free Workplace Act shall be subject to disciplinary action up to and including termination and/or be required to satisfactorily participate in a drug rehabilitation or assistance program. Rehabilitation will be provided according to the guidelines of the Public Employees Insurance Agency. Suspension or dismissal may be effective immediately; however, action shall be taken within ten (10) workdays of knowledge of the offense by the Superintendent. Violations of federal or state statutes will be reported to the appropriate law enforcement. **Compliance to this Drug-Free Workplace Policy is mandatory.**
- 4.3 When an offense is of a magnitude to warrant it, an employee may be suspended without pay or may be dismissed from employment. Reasons for suspension or dismissal may be misuse of county property, insubordination, incompetence, willful neglect of duty, reporting to work under the influence of alcohol, narcotics, or other illegal controlled substances, fraud, activities involving conflict of interest and violations of law and/or policy of the Board.
- 4.4 Personnel actions against one employee convicted of violations involving tobacco, alcohol, narcotics, any other illegal controlled substance, or distribution of a controlled substances without medical authorization performed at a time and place other than the workplace may be considered up to and including termination if
- 4.4.1. The conduct directly affects the performance of the occupational responsibilities of the employee.
- 4.4.2. The conduct is the subject of such notoriety that it significantly reduces/impairs the capabilities of the employee to discharge the responsibilities of the employee's position.

- 4.5 Upon receipt of written notice, employees suspected of reporting to work while under the influence of alcohol or illegal drugs may be required to take a drug/alcohol test. Within two (2) days of refusal to take drug/alcohol test, the employee will be notified of suspension or termination of their contract. Within five (5) days of suspension or termination, the employee may request in writing a level IV hearing and appeal pursuant to 18-29-1 of the West Virginia Code.
- 4.6 State or county agencies who are contractors or grantees of federal contracts or grants amounting to at least \$25,000 are subject to suspension of payments and termination of the contract or grant for violations of any of the requirements of a drug-free workplace if they make a false initial certification, or if the number of drug-related convictions of employees indicates that the employer has not made a good faith effort to maintain a drug-free workplace.
- 4.7 Gilmer County Board of Education will maintain entry level status with rehabilitation/re-entry programs at

Calhoun General Hospital, Grantsville, WV
Stonewall Jackson Memorial Hospital, Weston, WV
Summit Center for Human Development, Parkersburg, WV

A referral listing of Drug-Free Treatment Programs is on file at each principal's office, each counselor's office, with the Drug-Free School Coordinator, at the Board of Education office and at the Gilmer County Public Library. Also on file with the Drug-Free Treatment Programs referral listing is a copy of the State and Federal Sanctions covering Drugs and Alcohol.

- 4.8 In accordance to the Drug Free Workplace Act of 1988 (P.L. 100-690), West Virginia Constitution Article XII, 2 and West Virginia Code 18-2-5, all employees as a condition of employment will be informed of, abide by, and be required to sign the "Drug-Free Workplace Verification Statement" as well as notify their supervisor or department head of any criminal drug statute conviction for a violation occurring in the workplace, no later than five (5) days after such conviction. Employees will also be required to participate in any Drug Awareness and/or Prevention Program provided by the county inclusive of....

- * site-based programs
- * county-based programs
- * support agency services
- * teleconference based programs

4.9 The Gilmer County Board of Education shall have the responsibility to establish a drug awareness program for Gilmer County Board of Education employees to provide information on the following:

- A. The Employee Referral Program;
- B. The dangers of drug abuse in the workplace;
- C. The establishment and maintenance of a drug-free workplace;
- D. The penalties for workplace drug abuse;
- E. Available drug-free literature.

Public Review 3/22/93
Approved Policy 4/26/93