

STAFF SUBSTANCE ABUSE

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

Since substance abuse has become a national problem, particularly among children and teenagers, the Board believes that school employees must exemplify the positive benefits of a drug-free lifestyle. The Board therefore will not permit the illegal use, including possession, consumption, sale and/or manufacture, of alcohol or controlled substances by staff members either in the workplace, or at any time when the effects of such substance(s) may impair the performance of their duties.

The district shall maintain an employee awareness program, including information regarding substance abuse rehabilitation programs provided by local agencies.

If an employee is found to have violated the terms of this policy, he or she may be required to participate in a substance abuse rehabilitation program and/or be subject to a range of penalties up to and including dismissal.

Employee Assistance Program

The Board recognizes that the problems of alcohol and controlled substance use and abuse affect every segment of society. Therefore, in collaboration with district collective bargaining units, the Board will establish an employee assistance program that will provide appropriate and confidential prevention, intervention, assessment, referral, support and follow-up services for district staff. Staff members will be informed of such services and shall be encouraged to seek such help either voluntarily or in lieu of disciplinary action.

In general, the Board will not intervene unless the employee's personal problems adversely affect his or her job performance. However, drivers subject to the Omnibus Transportation Employee Testing Act of 1991 must be referred to a substance abuse counselor for evaluation and treatment if the employee has tested positive for controlled substances, received an alcohol concentration of 0.04 or greater, or refused to take a test.

Alcohol and Controlled Substance Testing of Employees

No employee except drivers subject to the Omnibus Transportation Employee Testing Act of 1991 shall be subjected to urinalysis or other form of alcohol or controlled substance testing without reasonable individualized suspicion that the employee has consumed alcohol or a controlled substance. The school attorney shall be consulted before any implementation of such testing. Failure to submit to required alcohol or controlled substance testing based upon reasonable individualized suspicion that the employee has violated district policy on alcohol and controlled substance use is grounds for disciplinary action up to and including dismissal.

In its effort to maintain a drug-free environment, the district shall cooperate to the fullest extent possible with local, state and/or federal law enforcement agencies.

Cross-ref: 5312.1, Drug and Alcohol Abuse

Ref: Drug-Free Schools and Communities Act (20 U.S.C. §§3171 et seq.)
Omnibus Transportation Employee Testing Act of 1991
Civil Service Law §75
Education Law §§3012; 3020-a
Patchogue-Medford Congress of Teachers v. Board of Education, 70 NY2d 57 (1987)
Appeal of Board of Education of Community School District 19, 32 EDR 354 (1992)

Note: Policy added

[The Drug-Free Schools and Communities Act requires all Boards of Education to adopt a written policy regarding staff substance abuse.]

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