

HOMEWOOD BOARD OF EDUCATION
DRUG-FREE WORKPLACE REGULATIONS
AN INFORMATIONAL BROCHURE

FEDERAL LAW AND BOARD OF EDUCATION POLICY DEMAND A DRUG-FREE WORKPLACE

This brochure is provided to all employees of Homewood City Schools (HCS) to promote an awareness of drug-free workplace legislation and Homewood Board of Education (HBoE) regulations dealing with a drug-free workplace. All aspects of American life are affected by the drug problem. It threatens not only the home, the school, and the community, but also the workplace and a host of problems related to decreased job performance and productivity.

The HBoE must take a firm stance against illicit drug use. The use of drugs – including alcohol – in the workplace is unacceptable since it can adversely affect health, safety, and productivity, as well as public confidence and trust.

The effectiveness of the educational programs offered in HCS depends upon the people who work here; therefore, drug use in the workplace cannot be tolerated. Included in this brochure is information about the Drug-free Workplace Act of 1988 and a copy of Board policies GAMC and GAMD related to the drug-free workplace. Please read the policies carefully and sign and return the acknowledgment.

THE DRUG-FREE WORKPLACE ACT OF 1988

The Drug-free Workplace Act of 1988 signed by former President Ronald Reagan on November 18, 1988, is a part of Public Law 100-690, which is designed to deal comprehensively with the nation's problem of drug abuse. The Act, which became effective March 18, 1989, requires that contractors and grantees of federal agencies certify that they will provide a drug-free workplace. Each federal grantee must make such a certification before receiving a contract or grant from a federal agency. The penalty to the Department for non-compliance can be as severe as the loss of federal grants for a period of five (5) years. The requirement of this Act affects the HBoE in that the Board is a federal grantee receiving direct funds for programs such as Chapter 1, Chapter 2, Drug-Free Schools and Communities, Bilingual Education, Vocational Education, Handicapped Early Education, and others. The Drug-Free Workplace Act of 1988 requires the Board to do the following:

- Publish a policy statement
- Communicate this policy to its employees
- Establish a drug-free awareness program
- Notify a federal granting agency of any employee's conviction for a drug violation on the Board's premises
- Impose a sanction on any convicted employee
- Make a good-faith effort to continue to maintain a drug-free workplace

The Act covers on-the-job drug use. HBoE Policy also requires notification by an employee of any criminal drug or alcohol conviction within five (5) days of conviction.

HOMEWOOD BOARD OF EDUCATION
DRUG-FREE WORKPLACE
POLICY GAMC

It is the policy of the Homewood Board of Education that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance (as defined by 21 U.S.C. §812) or alcohol in the Board's workplace is prohibited. Any employee on school premises or as a part of school activities or school-sanctioned activities who unlawfully manufactures, distributes, dispenses, possesses, or uses or who is under the influence of drugs or other controlled substances, for which the employee has no prescription from a duly licensed physician, is subject to disciplinary action up to termination or cancellation of contract. No employee, who is impaired by any illegal drug or by alcohol, will report for work, will work, or be present in the workplace. Employees who are so impaired or who possess, use, or distribute illegal drugs or alcohol in the workplace are subject to disciplinary procedures of the Board, including possible dismissal.

"Workplace" means any vehicle, office, building, classroom, or property (including parking lots) owned or operated by the Board or any other site at which an employee is to perform work for the employer. An "employee" of the board is any individual receiving remuneration for services rendered. "Possess" means to be contained either on an employee's person or in an employee's motor vehicle, tools, or areas entrusted to the employee's control. "Impaired" means under the influence of an illegal drug or alcohol such that the employee is unable to perform his/her assigned tasks properly.

"Designated employee" shall include employees subject to the provisions of 49 C.F.R. Part 40 of the Omnibus Transportation Employee Testing Act of 1991. Designated employees shall include those persons applying for or holding positions requiring a commercial driver's license and/or safety-sensitive transportation-related and maintenance positions.

Any employee with information on the possession, use, or distribution of illicit drugs or alcohol on school premises or as part of any school or school-sanctioned activity is required to report such information to the principal, Superintendent, or other appropriate school authority.

The immediate supervisor is to be notified by the employee of any criminal drug or alcohol conviction (including driving under the influence of alcohol or drugs – DUI) within five (5) days of the conviction. Upon learning of such conviction, each supervisor shall immediately notify the Superintendent of a drug or alcohol statute conviction of any employee.

Any employee who violates this prohibition will be 1) required to participate satisfactorily in an approved drug abuse assistance or rehabilitation program and/or 2) subject to appropriate personnel action, which may include but is not limited to reprimand, suspension with or without pay, and/or termination.

It is the policy of the Board to maintain a drug-free awareness program to inform employees about the danger of drug abuse in the workplace and make available information about drug counseling, rehabilitation, and employee assistance programs.

All employees will receive a copy of the Drug-Free Workplace Policy and one shall be posted, in a prominent place, in each building owned or operated by the Board. This policy applies to all employees as a condition of employment, and all must abide by the terms of this policy.

HOMEWOOD BOARD OF EDUCATION
DRUG AND ALCOHOL PROGRAM
POLICY GAMD

The Board recognizes that its employees are some of its greatest assets. Employees are the key to the Board's goal of providing the best possible education program for its students. To achieve the goal, and to maximize the skills and talents of employees, every employee of the school system must understand the dangers of drug and alcohol abuse and be aware of state and federal requirements concerning substance abuse. The purpose of this policy statement is to clarify the Board's position on employee drug and alcohol use. This policy and related procedures should not be construed as contractual in nature.

Policy Objectives

1. To meet the requirements of 49 C.F.R. Part 40 of the Omnibus Transportation Employee Testing Act of 1991.
2. To create and maintain a safe, drug-free working environment for all employees.
3. To encourage any employee with a dependence on alcohol or other drugs to seek help in overcoming the problem.
4. To reduce problems of absenteeism, tardiness, carelessness, and other unsatisfactory matters related to job performance.
5. To reduce the likelihood of incidents of accidental personal injury and damage to people or property.
6. To reduce the likelihood that school property will be used for illicit drug activities.
7. To protect the reputation of the school system and its employees within the community.

Substance abuse is a serious threat to the school system, its employees, and students. Though the percentage of substance-abusing employees may be relatively small, practical experience and research indicate that appropriate precautions are necessary. The Board believes that the benefits derived from these policy objectives outweigh the potential inconvenience to employees. The Board earnestly solicits the understanding and cooperation of all employees in implementing this policy.

The Board requires that all employees report to work without any alcohol or illegal or mind-altering substances in their systems. No employee shall report to work or remain on duty which requires the operation of a motor vehicle or other hazardous equipment or functioning in a hazardous environment when the employee is using any controlled substance unless an attending physician has advised the employee that the substance does not adversely affect the employee's ability to perform any job-related duties safely. No employee may use alcohol while on duty. No employee may perform any job-related duties within four hours after using alcohol. Further, after-hours use of a substance that adversely affects an employee's job performance or the school system's relationship with others or which reflects negatively on the school system is prohibited.

Employees shall inform their supervisor when they are legitimately taking medication that may adversely affect their ability to perform their respective duties, to avoid creating safety problems or violation of this policy.

The school system also prohibits employees from using, possessing, manufacturing, distributing, or making arrangements to distribute illegal drugs while at work or on Board property.

Enforcement

To enforce these rules, the school system reserves the right to require all designated employees ("Designated employee" shall include employees subject to the provisions of 49 C.F.R. Part 40 of the Omnibus Transportation Employee Testing Act of 1991; "Designated employees" shall include those persons applying for or holding a position requiring a commercial drivers' license and/or safety-sensitive transportation-related and maintenance positions) to undergo, at any time an employee is on duty or at any time an employee may normally be called to be on duty, appropriate testing to determine the absence or presence of prohibited substances. The Board shall develop, implement, and enforce a drug and alcohol policy for its employees as a condition of compliance with the Omnibus Transportation Employee Testing Act of 1991.

Pursuant to Board policy and regulations, applicant testing may be required. All current designated employees may be required to undergo testing when the Board has reasonable suspicion to believe an employee has violated this policy and on a random (neutral selection) basis without advance notice. Employees are required to report all accidents involving school system property or personnel and accidents that occur during school-related activities. Employees involved in such accidents may be required to submit to alcohol screening within two (2) hours and to drug screening within thirty-two (32) hours of a reportable accident. Employees who return to work following rehabilitation will be required to undergo return-to-duty/follow-up testing in addition to the general school system testing requirements.

The Board reserves the right to search desks, cabinets, toolboxes, vehicles, including personal vehicles brought onto school system property, bags, or any other property at the school or in vehicles when there is reasonable cause to believe an employee has violated this policy.

Violation of these rules, including testing positive, will subject the employee to appropriate disciplinary measures, including possible termination. Refusal to cooperate with the Board in any test investigation shall result in appropriate disciplinary measures, including possible termination under applicable state and federal law.

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the employer through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings except in accordance with the Policy Consent/Release form or as provided for in applicable policy, procedure, law or regulation.

Any questions should be directed to the Superintendent or Assistant Superintendent.