

DRUG-FREE WORKPLACE/DRUG-FREE SCHOOLS

A. Drug-Free Workplace

1. All District workplaces are drug- and alcohol-free. All employees and contracted personnel are prohibited from:
 - a. Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of any controlled substance or drug while on or in the workplace, including employees possessing a "medical marijuana" card.
 - b. Distributing, consuming, using, possessing, or being under the influence of alcohol while on or in the workplace.
2. For purposes of this policy, a "controlled substance or drug" means and includes any controlled substance or drug defined in the Controlled Substances Act, 21 U.S.C. § 812(c), or New Hampshire Controlled Drug Act RSA 318-B.
3. For purposes of this policy, "workplace" shall mean the site for the performance of work, and will include at a minimum any District building or grounds owned or operated by the District, any school-owned vehicle, and any other school-approved vehicle used to transport students to and from school or school activities. It shall also include off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event where students are under the jurisdiction, care or control of the District.
4. As a condition of employment, each employee and all contracted personnel will:
 - a. Abide by the terms of this policy respecting a drug- and alcohol-free workplace, including any administrative rules, regulations or procedures implementing this policy; and
 - b. Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.
5. In order to make employees aware of the dangers of drug and alcohol abuse, the District will endeavor to:
 - a. Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
 - b. Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
 - c. Establish a drug-free awareness program to educate employees about the dangers of drug abuse and drug use in the workplace, the specifics of this policy, including the consequences for violating the policy, and any information about available drug and alcohol counseling, rehabilitation, reentry, or other employee-assistance programs.

B. District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action; up to and including termination of employment. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction. Should District employees or contracted personnel be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee/contracted personnel's conviction, within ten (10) days after receiving notice of the conviction.

The processes for disciplinary action shall be those provided generally to other misconduct for the employee/contractor personnel as may be found in applicable collective bargaining agreements, individual contracts, School Board policies, contractor agreements, and or governing law. Disciplinary action should be applied consistently and fairly with respect to employees of the District and/or contractor personnel as the case may be.

C. Drug-Free School Zone

Pursuant to New Hampshire's "Drug-Free School Zone" law (RSA Chapter 193-B), it is unlawful for any person to manufacture, sell prescribe administer, dispense, or possess with intent to sell, dispense or compound any controlled drug or its analog, within a "drug-free school zone". The Superintendent is directed to assure that the District is and remains in compliance with the requirements of RSA 193-B, I, and N.H. Ed. Part 316 with respect to establishment, mapping and signage of the drug-free zone around each school of the District.

D. Implementation and Review

1. The Superintendent is directed to promulgate administrative procedures and rules necessary and appropriate to implement the provisions of this policy.
2. In order to maintain a drug-free workplace, the Superintendent will perform a biennial review of the implementation of this policy. The review shall be designed to (i) determine and assure compliance with the notification requirements of section A.5.a, b and d; (ii) determine the effectiveness of programs established under paragraph A.5.c above; (iii) ensure that disciplinary sanctions are consistently and fairly enforced; and (iv) and identify any changes required, if any.

Legal References:

*41 USC § 8101 Et. seq., Drug-free workplace requirements for Federal contractors, and Federal grant recipients
RSA Chapter 193-B, Drug Free School Zones
Ed. Part 316*

Adopted: July 2, 1992

Revised: February 7, 2002

Revised: May 23, 2018

Proposed Revision Second Reading: July 24, 2019

~~The School District will provide a drug-free workplace in accordance with the Drug-free workplace requirements for federal contractors, 41 U.S.C. § 8102, and federal grant recipients, 41 U.S.C. § 8103. The School District will provide a drug-free school zone in accordance with New Hampshire's Drug-Free School Zones law, RSA Chapter 193-B. In compliance with these requirements and state law, the District will:~~

1. — ~~Notify all employees, in writing, that the unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs and alcohol is prohibited in the District's workplace and that any violation is subject to disciplinary action. Notification will be accomplished by distribution of this policy to all employees.~~

2. — ~~Provide a drug-free awareness program to inform employees about:~~

- ~~a. — The dangers of illicit drugs in the workplace;~~
- ~~b. — The District's policy of maintaining a drug-free workplace;~~
- ~~c. — Available drug and alcohol counseling, rehabilitation, and employee assistance and/or re-entry programs; and~~
- ~~d. — The penalty/penalties that may be imposed on employees for drug and alcohol violations occurring in the workplace.~~

3. — ~~Notify employees that, as a condition of employment in the District, they will agree to and abide by the terms of the policy, and will notify the District of any drug statute conviction resulting from workplace conduct within five (5) days of the conviction.~~

4. — ~~Establish the following as grounds for disciplinary action:~~

- ~~a. — Working under the influence of alcohol or illegal drugs, no matter where consumed.~~
- ~~b. — Having an unsealed container of alcohol or consuming alcohol on School property. (Any employee who finds any type of container of alcohol on School property should report it to the administration as soon as possible.)~~
- ~~c. — Possessing or distributing controlled substances on School property.~~
- ~~d. — Consuming, possessing, or distributing alcohol or illegal drugs at official* School functions not on School property.~~

~~*An official School function is defined as one that is authorized and conducted by the School with School officials present, in charge, and on duty, such as, but not limited to:~~

- ~~— Interscholastic athletic contests~~
- ~~— Field trips~~
- ~~— School dances~~

5. — ~~Alert the local law enforcement agency of suspected violations of the policy.~~

6. — ~~Take any of the following disciplinary actions (either alone or in combination) regarding an employee who is in violation of the policy:~~

- ~~a. — Suspension~~
- ~~b. — Termination of employment~~
- ~~c. — Satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health or law enforcement or other appropriate agency.~~

7. — ~~Make a good faith effort to continue to maintain a drug-free workplace through implementation of all the provisions of this policy. In so doing, the District will conduct a biennial review of its programs to determine their effectiveness and to ensure that the disciplinary sanctions are consistently enforced and changes are implemented, if needed.~~

8. ~~Post at each school and in each school bus Drug-Free School Zone signs with a map of the drug-free zone around each school. These signs will be those provided by the New Hampshire Department of Education, as required by RSA 193-B:3, I; Ed. Part 316.~~