

Drug-Free Workplace (Alcohol Use - Drug Abuse by Staff Members)

The unlawful manufacture, distribution, dispensing, possession or use of alcohol or a controlled substance is prohibited in the district. The definition of a controlled substance shall be the same as that found in the policy regarding student alcohol use/drug abuse.

Observance of this policy is a condition of employment. A violation shall subject the employee to appropriate disciplinary action, which may include termination and referral for prosecution. In appropriate circumstances and at the district's discretion, disciplinary sanctions may include the completion of an approved drug or alcohol abuse assistance or rehabilitation program. However, the district is not required to offer rehabilitation in lieu of termination or other discipline to any employee who has violated this policy.

An employee knowingly in the possession or under the influence of alcohol or any controlled substance shall be suspended immediately by the principal or supervisor if such use or possession is on district property at any time, at any school sponsored or sanctioned activity or event off district property or enroute thereto or on the way to work.

An employee shall be suspended immediately after arrest for possession of or being under the influence of a controlled substance.

After investigation, the superintendent may reinstate the employee if it appears to be in the best interests of the district. The matter shall be reported to the Board of Education.

Pursuant to law, any employee who is convicted or pleads nolo contendere under any criminal drug statute for a violation occurring in the workplace shall notify the superintendent no later than five days after the conviction. The district has an obligation under federal law to notify the appropriate federal agency within 10 days after receiving notice of such conviction if there is a relationship between federal funds received by the district and the convicted employee's worksite.

Awareness and prevention program

The superintendent shall establish an awareness and prevention program.

The Board shall conduct a periodic review of its awareness and prevention program to determine its effectiveness, and implement appropriate changes.

Annual notification of employees

Information about the standards of conduct required by this policy shall be communicated to employees on an annual basis.

Adopted: September 19, 1990

Revised and recoded: May 18, 2011

Legal Ref added: Dec. 5, 2013

LEGAL REFS.: 20 U.S.C. 7101 *et seq.* (*Safe and Drug-Free Schools and Communities Act*)
21 U.S.C 812 (*definition of controlled substance*)
41 U.S.C 8101 and 8102 (*Drug-Free Workplace Act of 1988*)
34 C.F.R. Part 84 (*regulations implementing the Drug-Free Workplace Act*)
Colo. Const. Art. XVIII, Section 16(6) (*employers may restrict marijuana use, possession, sale, etc. by employees*)
C.R.S. 18-18-407 (2) (*crime to sell, distribute or possess any controlled substance on or near school grounds or school vehicles*)
C.R.S. 25-1.5-106 (12)(b) (*possession or use of medical marijuana in or on school grounds or in a school bus is prohibited*)
C.R.S. 25-14-103.5 (*boards of education must adopt policies prohibiting use of retail marijuana on school property*)

CROSS REFS.: EEAEAA*, Drug an Alcohol Testing for Bus Drivers
GCQF, Discipline, Suspension and Dismissal of Professional Staff
GDQD, Discipline, Suspension and Dismissal of Support Staff
JICH, Drug and Alcohol Use by Students