



RIVER VALLEY SCHOOL DISTRICT

660 West Daley Street

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Spring Green, Wisconsin 53588

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Phone: 608-588-2551

524.1

Drug Use by Employees Engaged in the Performance of a Federal Grant

No employee engaged in work in connection with a federal grant shall unlawfully manufacture, distribute, dispense, or use a controlled substance in any school building or on any school premises; in any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; or off school property during any school-sponsored or school-approved activity, event or function where students are under the jurisdiction of the school district.

Employees are expected to abide by the provisions of this policy. In addition, any employee convicted of a criminal drug statute violation occurring in the workplace shall report such conviction to the district administrator no later than five days after such conviction. Upon receiving this report, the district administrator shall notify the appropriate federal agency. The notification shall be made within ten days.

An employee who has been convicted of a criminal drug statute violation occurring in the workplace shall be disciplined in accordance with provisions of the current employee agreement or required to satisfactorily participate in the district's chemical dependency program for employees.

Any staff member suspected of being under the influence of any illicit chemical or alcohol, while on duty, should be immediately referred to the Employee Assistance Program.

A staff member alleged to be under the influence of any illicit chemical or alcohol will be asked to leave the job site and may submit to a urine drug test or a breathalyzer test to prove their immediate non-impairment or impairment. Cost of the testing will be born by the school district. Should the employee request a retesting of the original sample, the cost of the retest will be born by the employee.

Suspicion of "under the influence" will be in accordance with standard fitness for duty criteria* and may not be used by administration for purposes of harassment and may not be used against administration by staff as proof of harassment if documentation of lack of fitness for duty exists.

This policy shall be published annually and distributed to all employees engaged in work in connection with a federal grant. In addition, an inservice session shall be provided to these employees which informs them about the dangers of drug abuse in the workplace, the district's chemical dependency program for employees; and the penalties that may be imposed upon the employee for drug abuse violations occurring in the workplace.

**Fitness for duty is a generally accepted concept describing: symptoms, behaviors or observable physical signs of potential impairment of job functions or duties.*

Judging impairment is subjective in nature but is also legally enforceable in liability cases involving supervisors allowing employees to perform duties while obviously impaired, or with informed knowledge of potential impairment by the employee or a third party (hence the term "third party liability").

LEGAL REF.: Drug-Free Workplace Act of 1988

34 CFR Part 85, Subpart F (Regulations Implementing Drug-Free Workplace Act)

CROSS REF.: Policy #523.2 - Employee Treatment for Chemical Dependency or Mental Illness
Policy #523.21 - Employee Assistance Program
River Valley All Staff Employee Handbook

APPROVED: June 8, 1989
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