
Subject: DRUG-FREE WORK PLACE

1. The unlawful distribution, dispensing, possession or use of any control substance or drug that is illegal under either state or federal law is prohibited in or on BOCES property. For purposes of this Policy, “control substance” includes, but is not limited to narcotic drugs, hallucinogenic or mind-altering drugs or substances, amphetamines, barbiturates, stimulants, depressants, marijuana, anabolic steroids, any other controlled substances as defined in law, or any prescription or nonprescription drug, medicine, vitamin or other chemical substances not taken in accordance with a BOCES policy

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

3. An employee knowingly in the possession of or under the influence of any such illegal drug or substance, including alcohol, shall be suspended immediately by the Executive Director if such use or possession is:

3.1 On BOCES property at any time.

3.2 At any BOCES-sponsored or sanctioned activity or event off BOCES property or enroute thereto.

3.3 On the way to work.

4. An employee shall be suspended immediately after arrest for possession or for being under the influence of an illegal drug or alcohol.

5. After investigation, the Executive Director may reinstate the employee if it appears to be in the best interests of the BOCES. The matter may be reported to the Board of Education.

6. 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 Executive Director no later than five days after the conviction. The BOCES Board 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 BOCES and the convicted employee's work site.

7. The Executive Director shall establish an awareness and prevention program to inform employees about:

7.1 The dangers of drug and alcohol abuse.

7.2 The Board's policy of maintaining a drug-free workplace.

7.3 Available drug and alcohol counseling, rehabilitation and employee assistance programs.

7.4 Penalties that may be imposed upon employees for drug and alcohol abuse violations occurring in the workplace.

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

9. Information about the standards of conduct required by this policy shall be communicated to employees on an annual basis. All employees shall acknowledge receipt of this policy and related information.

LEGAL REFS.: 20 U.S.C. 7101 et seq.(Safe and Drug-Free Schools and Communities Act)

41 U.S.C. 701 and 702 (Drug-Free Workplace Act of 1988)