

# SHALER AREA SCHOOL DISTRICT

POLICY 551

SECTION: CLASSIFIED EMPLOYEES  
TITLE: DRUG & SUBSTANCE ABUSE  
ADOPTED: February 18, 1998  
REVISED: May 17, 2000

## 551. DRUG AND SUBSTANCE ABUSE

### 1. Purpose

The Board recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the whole school community. As such, the Board is very much concerned about the problem that may be caused by drugs used by classified employees, especially as the use relates to the safety, efficiency, and productivity of the classified employees.

P.L. 100-690

The primary purpose and justification for any action on the part of the school staff would be the protection of the health, safety, and welfare of students, staff, and school property.

The Shaler Area School District has a responsibility to its employees, those who use its services, and the general public to ensure a safe and efficient environment for learning activities and work. To satisfy this responsibility, the Shaler Area School District must ensure a work environment which is free from alcohol and other drugs and the effects thereof.

An employee may not possess, use, manufacture, transport, or distribute alcohol or an illicit drug or a controlled substance or drug paraphernalia on the District's premises or as part of any District business or activity either on district property or off site, where the business or activity does not actually take place on District property. An employee may not report for work impaired by alcohol or an illicit drug, or a controlled substance, including the abuse of prescription drugs. An employee who reports to work impaired or who unlawfully possesses, uses, manufactures, transports, or distributes alcohol or illicit drugs, or a controlled substance on work time, is subject to disciplinary and/or

## 2. Definitions

employment action, which may include termination, following the just cause provisions of the Collective Bargaining Agreement and the Public School Code of 1949, as amended.

For the purposes of this policy, **drugs** shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act. The school district appropriately recognizes alcohol as a drug although it is not so defined within the prevailing criminal drug statutes.

P.L. 100-690

**Conviction** shall be defined as finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statute. Any classified employee convicted of delivery of controlled substance or convicted of possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the District.

**Criminal drug statute** shall be defined as a federal or nonfederal criminal statute involving the manufacture, distribution, dispensing, use of possession of any controlled substance.

## 3. Delegation of Responsibility

P.L. 101-226

Sec. 5115 (a) (4)

A statement notifying classified employees that the unlawful manufacture, distribution, dispensing, transporting, possession, or use of a controlled substance is prohibited in the classified employee's workplace shall be provided by the Director of Human Resources and shall specify the actions that will be taken against the classified employee for violation of this policy up to and including termination and referral for prosecution.

The Board requires that each classified employee be given a copy of the statement and notification to the employee that, as a condition of employment, the employee will abide by the terms of the statement and notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

The district shall be responsible for taking one of the following actions within thirty (30) days of receiving notice, with respect to any

convicted classified employee.

The District shall take appropriate personnel action against such an employee, up to and including termination, and require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

The District shall make a good faith effort to continue to maintain a drug-free workplace through the implementation of this policy.