

SECTION: PROFESSIONAL EMPLOYEES

TITLE: DRUG AND SUBSTANCE  
ABUSE

ADOPTED: MAY 9, 2007

REVISED:

# FERNDALE AREA SCHOOL DISTRICT

<b>451. DRUG AND SUBSTANCE ABUSE</b>	
<b>1. Purpose</b>	<p>The Board recognizes that the misuse of drugs is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by drug use by employees, especially as the use relates to an employee's safety, efficiency and productivity.</p>
<b>P.L. 100-690</b>	<p>The primary purpose and justification for any district action will be for the protection of the health, safety and welfare of students, staff and school property.</p>
<b>2. Definitions</b>	<p><b>Drugs - shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.</b></p>
<b>35 P.S. Sec. 780-101 et seq</b>	
<b>P.L. 100-690</b>	<p><b>Conviction - a 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.</b></p> <p><b>Criminal Drug Statute - a federal or nonfederal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.</b></p> <p><b>Drug-free Workplace - the site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.</b></p>
<b>3. Authority</b>	<p>The Board requires that each professional employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy 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.</p>

<p>SC 527</p> <p>4. Delegation of Responsibility P.L. 101-226 Sec. 5115</p> <p>School Code 527 35 P.S. Sec. 780-101 et seq P.L. 100-690 P.L. 101-226 Sec. 5115</p>	<p><b>An employee convicted of delivery of or possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the district.</b></p> <p><b>A statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the employee's workplace shall be provided by the Superintendent and shall specify the actions that will be taken against the employee for violation of this policy, up to and including termination, and referral for prosecution.</b></p> <p><b>The district shall be responsible for taking action within thirty (30) days of receiving notice, with respect to any convicted employee.</b></p> <p><b>The district shall take appropriate personnel action against such an employee, up to and including termination and may 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.</b></p> <p><b>In establishing a drug-free awareness program, the Superintendent shall inform employees about:</b></p> <ol style="list-style-type: none"><li><b>1. Dangers of drug abuse in the workplace.</b></li><li><b>2. District's policy of maintaining a drug-free workplace.</b></li><li><b>3. Availability of drug counseling, drug rehabilitation, and employee assistance programs.</b></li><li><b>4. Penalties that may be imposed for drug abuse violations occurring in the workplace.</b></li></ol> <p><b>The district shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.</b></p> <p><b>All of the above shall be subject to the provisions of the collective bargaining agreement, which in case of conflict, shall be controlling.</b></p>
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