

ALCHOL AND DRUG FREE WORKPLACE

Application of this policy is restricted to schools operated by the NEK Choice School District, if any.

Policy

It is the policy of the NEK Choice School District to maintain a workplace free of alcohol and drugs. No employee, volunteer or work study student will unlawfully manufacture, distribute, dispense, possess or use alcohol or any drug on or in the workplace. Nor shall any employee, volunteer or work study student be in the workplace while under the influence of illegal drugs or alcohol. If there are reasonable grounds to believe that an employee, volunteer or work study student is under the influence of illegal drugs or alcohol while on or in the workplace, the person will be immediately removed from the performance of his or her duties.

Definitions

Drug means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by state or federal statute or regulation.

Workplace means the site for the performance of work for the school district, including any school building or any school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. It also includes off school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event, where students are under the jurisdiction of the school district.

Employee means all persons directly or indirectly compensated by the school district for providing services to the district and all employees of independent contractors who provide services to the district.

Volunteer means an individual not employed by the school district who works on an occasional or regular basis in the school setting to assist the staff. A volunteer works without compensation or economic benefits provided by the school district.

Work Study Student means a student who receives compensation for work performed at the school as part of a college work experience program. For purposes of this policy, an intern, working without pay, will be considered as a work study student. A student working toward a teaching credential who may be placed at a school as a student teacher is not a work study student.

Employee Responsibilities

As a condition of employment, each employee will notify the superintendent in writing of his or her conviction of any criminal drug statute for a violation occurring on or in the workplace as defined above. The employee must notify the superintendent no later than five days after such conviction. Entry of a *nolo contendere* plea shall constitute a conviction for purposes of this policy, as will any judicial finding of guilt or imposition of sentence. Within 10 days of notification from an employee, or receipt of actual notice of an alcohol or drug conviction, the superintendent will notify any federal or state officers or agencies legally entitled to such notification.

An employee, volunteer or work study student who violates the terms of this policy may be required to satisfactorily complete an alcohol or drug abuse assistance or rehabilitation program approved by the superintendent. In addition, an employee who violates the terms of this policy will be subject to disciplinary action.

Date Warned: 06/07/2018

Date Adopted: 06/21/2018

Legal Reference(s): 49 U.S.C. §§ 5331, 31306 (Omnibus Transportation Employee Testing Act of 1991)
49 C.F.R. Parts 40, 382, 391, 392, 395 and 653
21 V.S.A. 511 et seq.

Cross Reference: