

DRUG-FREE WORKPLACE

Section 1

Scope: This policy applies to all employees of the Hardy County Board.

Section 2

Purpose: To provide for a Drug-Free Workplace for all persons in the public schools of West Virginia.

Section 3

Definitions:

- 3.1 Alcohol: Alcoholic beverages and any other intoxicating liquid that contains alcohol.
- 3.2 Contractor: Any department, division, unit, or any person responsible for the performance of work under a contract.
- 3.3 Controlled Substance: A federally regulated substance listed in Exhibit A and/or Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and West Virginia Code 60A-2-201, et seq., (which may be amended from time to time), when taken into the body, may impair one's mental faculties and/or physical performance.
- 3.4 Conviction: A finding of guilty (including a plea of nolo contendere) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State Criminal Drug Statutes.
- 3.5 Criminal Drug Statute: A criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.
- 3.6 Drug-Free Workplace: A worksite where work is performed in connection with the employee's employment for the Board. The workplace shall include facilities, property, buildings, offices, structures, automobiles, trucks, trailers, other vehicles, and parking areas, whether owned or leased by the agency or entity.
- 3.7 Employee: Any person who works full-time, part-time, or under contract, including management or temporary staff who are directly engaged in the performance of work pursuant to the mission of the Board.
- 3.8 Federal Agency: An agency as that term is defined in Section 552 (f) of Title IV, United States Code.

- 3.9 Grantee: Any department, division, unit, or any person responsible for the performance of work under the provisions of a federal grant.
- 3.10 Illegal Drug: Any drug that is not legally obtainable and is being used in a manner or for a purpose other than as prescribed.
- 3.11 Legal Drug: Prescribed drugs and over-the-counter drugs that have been legally obtained and are being used solely for the purpose for which they were manufactured or as prescribed by a physician.

Section 4

Content:

- 4.1 It is the policy of the Board to ensure that its workplaces are free of illegal drugs and controlled substances by prohibiting the unlawful manufacture, distribution, possession or use, without medical authorization, of illegal or controlled substances and/or alcohol; the reporting to work under the influence of a non-medically prescribed controlled substance or alcohol; or possession of non-medically prescribed paraphernalia.
- 4.2 The policy is applicable while employees are engaged in any work-related activity that includes performance of agency business during regularly scheduled work days, meal breaks, and/or occasions having a connection with the job or the agency.
- 4.3 Possession and/or distribution of a controlled substance will be dealt with promptly in accordance with legal and administrative disciplinary procedures.
 - 4.3.1 Employees who are in violation of the provisions of Drug-Free Workplace Act shall be subject to disciplinary action up to and including termination and/or may be required to satisfactorily participate in a drug rehabilitation or assistance program. Rehabilitation will be provided according to the guidelines of the Public Employees Insurance Agency.
 - 4.3.2 The Board will take appropriate personnel action in accordance with the disciplinary procedure outlined in the Hardy County Policy Manual.
- 4.4 This policy's primary goal is to ensure that alcohol and illegal drug and/or illegal controlled substance use is eliminated in the workplace and that the Hardy County Board of Education workplace is safe, healthful, productive, and secure for its employees and citizens.
- 4.5 As a condition of employment with the Hardy County Board employees shall:
 - 4.5.1 Abide by the terms of this policy; compliance is mandatory.

- 4.5.2 Notify their supervisor or department head of any criminal drug statute conviction for a violation occurring in the workplace, no later than 5 days after such conviction; and
- 4.5.3 Sign the "Drug-Free Workplace Verification Statement."
- 4.6 It shall be the responsibility of the RESA V III Drug-Free Schools Coordinator to establish a drug awareness program for employees of the Board to provide information on the following:
 - 4.6.1 The Employee Referral Program ;
 - 4.6.2 The dangers of drug-abuse in the workplace;
 - 4.6.3 The establishment and maintenance of a drug-free workplace;
 - 4.6.4 The penalties for workplace drug abuse;
 - 4.6.5 Available drug-free literature.

SOURCE : Board of Education Minutes

DATE : August 9, 1993 – June 18, 2001

LEGAL REFERENCE : W V Board of Education Policy 1461
Drug-Free Workplace Act of 1988 (PL-100-690)

HARDY COUNTY
DRUG-FREE WORKPLACE VERIFICATION STATEMENT

NAME _____ SOCIAL SECURITY # _____

ADDRESS _____

TELEPHONE # _____

Date employed by Hardy County Board of Education _____

I, _____, certify that I have received a copy of the Hardy County Board of Education Drug-Free Workplace Policy.

As an employee of the Hardy County Board of Education, I agree to abide by the Drug-Free Workplace policy that states that the unlawful manufacture, distribution, dispensing, possession, or use of an illegal controlled substance and/or alcohol is prohibited in the workplace. Additionally, no employee shall report for work while under the influence of alcohol and/or illegal drugs.

The workplace shall be defined as a worksite where work is performed in connection with the employee's Hardy County Board of Education employment. The workplace shall include facilities, property, buildings, office, structures, automobiles, trucks, trailers, other vehicles, and parking areas, whether owned or leased by the agency or entity.

This policy is applicable while employees are engaged in any work-related activity that includes performance or agency business during regularly scheduled workdays, meal breaks, and/or occasions having a connection with the job or the agency.

In addition, I understand that under federal law and as a condition of employment, if I am convicted of any violation of a criminal drug offense in the workplace, I must report this conviction to my supervisor and the appointing authority within five (5) days of the conviction.

Employee Signature

Date