

DRUG-FREE WORKPLACE

The Ellsworth School Committee (ESC) recognizes that alcoholism and drug dependency are treatable diseases. Left untreated, they may result in serious personal and family problems. At the same time, the ESC is also seriously concerned about the effects of alcohol and drug dependency upon an employee's job performance and ability to serve as a role model for Ellsworth School Department (ESD) students.

The ESC believes strongly that all ESD employees and students should be able to work and learn in an environment free from alcohol and drug abuse. Accordingly, the ESC expects all ESD employees to report for work and to perform their duties in a manner which does not jeopardize the health, safety and well-being of co-workers and students.

No ESD employee shall distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor. Nor shall an ESD employee unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance (as defined in schedules I through V of section 202 of the federal Controlled Substance Act [21 USC § 812]; by regulation at 21 CFR, § 1300.11 through 1300.15; and in 17-A MRSA, § 1101). This applies before, during and after school hours, at school or in any other ESD location, defined as follows:

“ESD location” means in any ESD school building or on any ESD premises; in any ESD-owned vehicle or in any other ESD-approved vehicle used to transport students to and from school or school activities; off school property at any ESD-sponsored or ESD-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the ESD; or during any period of time such employee is supervising students on behalf of the ESD or otherwise engaged in ESD business.

Any ESD employee who suspects that he/she may have an alcohol or drug dependency problem is strongly encouraged to contact his/her supervisor to seek voluntary diagnosis and treatment. The employee will be provided confidential referral services to an outside agency upon request and assisted in determining the extent to which insurance coverage to help pay for such services is available. All voluntary referrals shall be kept confidential.

Any illegal use, possession, furnishing, selling or provision of assistance in obtaining alcoholic beverages or scheduled drugs not covered by the preceding paragraph may, depending upon the circumstances, constitute sufficient grounds for discipline, up to and including dismissal. Referrals under foregoing paragraphs of this policy will not preclude disciplinary action under this paragraph, depending on the circumstances.

As provided in the Drug-Free Workplace Act of 1988, any employee is required to notify the ESD of a criminal or civil conviction for a drug violation occurring in the workplace no later than five calendar days after such conviction. In turn, the Superintendent, within 10 calendar days of learning of such a conviction, is to give written notification to the U.S. Department of Education and to any other federal agency from which the ESD receives grant funds.

Any violation of this policy shall constitute sufficient grounds for employee discipline, up to and including dismissal.

Implementation

The Superintendent shall be responsible for developing and administering appropriate procedures to implement this policy.

Communication

A copy of this policy is to be given or mailed to all current employees and to new employees at the time of their employment and is to be posted in appropriate locations throughout the ESD.

Legal Reference: 21 U.S.C. § 812 (Controlled Substances Act)
21 C.F.R. §§ 1300.11-1300.15
Fed. P.L. 101-226
17-A MRSA § 1101

Cross Reference: JICH - Drug and Alcohol Use by Students

Adopted: **February 1995**

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