

SECTION E Personnel

ALCOHOL AND DRUG FREE-WORKPLACE

500.13

To protect the health, welfare and safety of students and employees, no employee shall engage in any of the following conduct in any school building or on school premises, in any school-owned vehicle, or off premises at any school-approved activity, event or function where students are under the jurisdiction of the District. Compliance with the District's policies and rules regarding alcohol or drug use is mandatory and is a condition of employment. Employees who violate the District's policies or rules regarding these substances shall be subject to disciplinary sanctions.

- A. Prohibited Acts - Drugs and Alcohol: The manufacture, distribution, dispensation, possession, use of or presence under the influence of alcohol, inhalants, drug paraphernalia, controlled substances or substances represented to be such, or unauthorized prescription medication, is prohibited on school premises or at school activities. In addition, the District will not condone the involvement of any employee with illicit drugs, even where the employee is not on District premises, and such use or possession may constitute grounds for discipline. Employees of the school system shall not possess, use, or distribute any illicit drug or alcoholic beverage as defined in Wisconsin Statutes while on school premises or while responsible for chaperoning students on school-sponsored trips. Any employee who possesses, uses, or distributes any illicit drug or alcoholic beverage on school premises, or while responsible for chaperoning students on a school-sponsored trip may be disciplined, up to and including discharge. All school employees shall cooperate with the administration and law enforcement agencies during an investigation concerning any violation of this provision.
- B. Tobacco Products: Employees shall not use tobacco products on District premises, in District vehicles, nor in the presence of students at school or school-related activities. (Board policy 500.11) Employees who violate this policy will be subject to disciplinary action, up to and including termination from employment. § 120.12(20), Wis. Stats.
- C. Drug-Free Awareness Program: The District shall establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, the District's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation and (if applicable) employee assistance abuse programs, and the penalties that may be imposed upon employees for drug abuse violations. 41 U.S.C. § 702(a) (1)
- D. Consequence for Violation: Employees who violate the District's policies and rules regarding alcohol or drug use shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, discipline or discharge from employment with the District, and referral to appropriate law enforcement officials for prosecution. Compliance with the District's policies and rules is mandatory and is a condition of employment.
- E. Reasonable Suspicion Testing: All employees shall be required to undergo alcohol and drug testing at any time the District has reasonable suspicion to believe that the employee has violated the District's policy concerning alcohol and/or drugs. Reasonable suspicion alcohol or drug testing may be conducted when there is reasonable suspicion to believe that the

employee has used or is using drugs or alcohol prior to reporting for duty, or while on duty, or prior to or while attending any District function on or off District property. The District's determination that reasonable cause exists must be based on specific, contemporaneous, accurate observations concerning the appearance, behavior, speech or body odors of the employee. A trained supervisor must make the observations. Refusal to consent to testing will result in disciplinary action, up to and including termination of employment.

- F. Notification of Conviction: As a further condition of employment, an employee who is engaged in the performance of a federal grant shall notify the Administrator of any criminal drug statute conviction for a violation occurring in the workplace no later than three days after such conviction. In the event that the Administrator has been charged, the Board president shall be notified. Within ten days of receiving such notice – from the employee or any other source – the District shall notify the federal granting agency of the conviction. 41 U.S.C. 702(a) (1) (D). After receiving notice from an employee of a conviction for any drug statute violation occurring in the workplace, the District shall either (1) take appropriate personnel action against the employee, up to and including termination of employment, or (2) 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 agency, law enforcement agency, or other appropriate agency. 41 U.S.C. 703 [This notice complies with notice requirements imposed by the federal Drug-Free Workplace Act (41 U.S.C. 702)].

Legal References:

Wisconsin Statutes

Section 111.35: [use or nonuse of lawful products; exceptions and special cases]

Section 120.13: [school board powers, including broad power to do all things reasonable for the cause of education]

Section 121.02(1)(i): [safe and healthful facilities]

Section 125.09: [restriction on alcoholic beverages on school grounds]

Chapter 961: [controlled substances laws]

Federal Laws

Drug-Free Workplace Act of 1988: [drug-free workplace requirements]

Cross References:

District Employee Guide 3.11

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