



Statement of Policy

NO.: 0811.09

TITLE: Drug-Free Workplace Policy

DATE ADOPTED/REVISED: June 16, 2004

PAGE 1 OF 3

DRUG-FREE WORKPLACE POLICY

Resolved the following shall be the policy of Chester County Intermediate Unit regarding controlled substances in the workplace:

General Policy

1. The unlawful manufacture, dispensing, distribution, possession or use of controlled substances by employees while engaged in work for the Chester County Intermediate Unit, regardless of location, is prohibited. Any employee of the Chester County Intermediate Unit who is convicted of delivery or possession of a controlled substance with the intent to deliver, as prohibited by "The Controlled Substance, Drug, Device and Cosmetic Act," will be terminated from employment (Act 191 - 1988).
2. In addition, any activity involving controlled substances by employees of the Chester County Intermediate Unit may result in personnel action or discipline. Such action or discipline may include: termination, suspension, reprimand, or mandatory participation in an approved drug abuse assistance program or rehabilitation program which shall be approved for such purposes by a federal, state or local law enforcement agency.
3. The Board reserves the right to require as a condition of continued employment, that an employee be physically examined and/or clinically tested for the presence of controlled substances or alcohol when it has reasonable suspicion of abuse of controlled substances or alcohol by an employee, or when it has reasonable suspicion that an employee is under the influence of a controlled substance or alcohol when on the premises of CCIU or when engaged in its programs or activities.

A supervisor of an employee must personally observe abnormal employee behavior, along with the physical appearance (eyes, pupils, nostrils, etc.) behavior, speech, breath odor, or clothing odor of an employee to cause reasonable suspicion for the purpose of this policy.

In the absence of the employee's supervisor, the individual in charge of the program or building shall assume the responsibility of the supervisor for the purpose of complying with this policy.

A required physical examination and/or clinical test required under this policy shall conform to the procedures and requirements of the Substance Abuse Plan set forth in Statement of Policy #0474.04.

4. This policy applies to all employees of the Chester County Intermediate Unit regardless of the location of employment.



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PAGE 2 OF 3

Policy Requirements

1. All employees will be notified, in writing, of this policy upon its approval by the Chester County Intermediate Unit Board of Directors.
2. All employees, as a condition of employment, shall:
 - a. Abide by the terms of this policy, and
 - b. Notify the Executive Director within five days of any conviction for violation of criminal drug statutes that occur at the employee's workplace.
3. The Executive Director will notify the federal agencies providing direct grants or contracts to the Intermediate Unit within ten days of receipt of notice of the conviction of an employee for drug law violations occurring at the workplace.
4. The Chester County Intermediate Unit shall within 30 days take action with respect to any employee who is so convicted. Action taken will comply with Pennsylvania Act 191, when applicable, or the Drug-Free Workplace Act of 1988.
5. Chester County Intermediate Unit will establish a drug-free awareness program for employees.

Definitions

1. Controlled Substance

This means a controlled substance in Schedule I through V of Section 202 of the Controlled Substance Act (21 USC812) and as further defined by regulation of 21 CFR1300, 11 through 1300.15. Examples include:

- a. Opiates (e.g., heroin, morphine, codeine, methadone)
- b. Cocaine
- c. Cannabinoids (e.g., marijuana, hashish)
- d. Amphetamines
- e. Barbiturates
- f. Other narcotics and hallucinogens (e.g., Phencyclidine (PCP), Methaqualone (Quaalude) and Peyote (LSD))
- g. Benzodiazepines (e.g., Valium, Librium)

Also encompassed by these definitions are substances not sold as drugs or medicines, but that are used for mind-behavior/altering effect.



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PAGE 3 OF 3

2. Conviction

This means 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 federal or state criminal drug statutes.

3. Drug-Free Workplace (federal definition)

This means a site for the performance of work done in connection with a specific grant at which employees of the grantee are prohibited from engaging in the unlawful manufacturing, distribution, dispensing, possession or use of a controlled substance.

Reference: Policy #0911.09 and #0474.04
Act 191 - 1988

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