

# CHESTER COUNTY INTERMEDIATE UNIT 24

SECTION: EMPLOYEES

TITLE: DRUG AND SUBSTANCE  
ABUSE

ADOPTED: JULY 21, 2010

REVISED: SEPTEMBER 16, 2015

351. DRUG AND SUBSTANCE ABUSE	
<p>1. Purpose</p>	<p>The Board recognizes that the misuse of drugs by employees is a serious problem with legal, physical and social implications for the whole school community. It is further concerned about the problems that may be caused by drug use by Intermediate Unit employees, especially as the use relates to an employee's safety, efficiency and productivity.</p> <p>The primary purpose and justification for any action by the Intermediate Unit will be for the protection of the health, safety and welfare of students, staff and school property.</p>
<p>2. Definitions 35 P.S. Sec. 780-101 et seq</p>	<p>Drugs - shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.</p>
<p>41 U.S.C. Sec. 8101</p>	<p>Conviction - a finding of guilt, including a plea of nolo contendere, imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statute.</p>
<p>41 U.S.C. Sec. 8101</p>	<p>Criminal Drug Statute - a federal or state criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.</p>
<p>41 U.S.C. Sec. 8101</p>	<p>Drug-free Workplace - the site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.</p>
<p>3. Authority 41 U.S.C. Sec. 8103, 8104</p>	<p>The Board prohibits the unlawful manufacture, dispensing, distribution, possession or use of controlled substances by employees while engaged in work for the Intermediate Unit, regardless of location.</p>
<p>SC 111 41 U.S.C. Sec. 8103</p>	<p>The Board requires that each administrative, professional and support employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy and notify the Intermediate Unit of any criminal drug statute</p>

<p>SC 527 35 P.S. Sec. 780-101 et seq</p>	<p>conviction for a violation occurring in the workplace immediately, but no later than seventy-two (72) hours, after such conviction.</p> <p>Any employee convicted of delivery of or possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the Intermediate Unit.</p>
<p>4. Delegation of Responsibility 41 U.S.C. Sec. 8103</p>	<p>Within ten (10) days after receiving notice of the conviction of an Intermediate Unit employee, the Intermediate Unit shall notify any federal agency or department that is the grantor of funds to the Intermediate Unit.</p>
<p>41 U.S.C. Sec. 8103, 8104</p>	<p>The Intermediate Unit shall take appropriate personnel action or discipline within thirty (30) days of receiving notice against any convicted employee, up to and including termination, or 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, law enforcement, or other appropriate agency.</p>
<p>SC 1302.1-A, 1303-A Title 22 Sec. 10.2, 10.21 35 P.S. Sec. 780-102 Pol. 805.1</p>	<p><u>Reporting to Authorities</u> The Executive Director or designee shall immediately report incidents involving the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act by any employee while at school or Intermediate Unit programs, on school property of the Intermediate Unit, at any school function under the jurisdiction of the Intermediate Unit or on a conveyance providing transportation to or from any school function under the jurisdiction of the Intermediate Unit to the local police department that has jurisdiction over the school property of the Intermediate Unit, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.</p>
<p>SC 1303-A</p>	<p>In accordance with state law, the Executive Director shall annually, by July 31, report all incidents of possession, use or sale of controlled substances or drug paraphernalia to the Office for Safe Schools on the required form.</p>
<p>41 U.S.C. Sec. 8103</p>	<p>In establishing a drug-free awareness program, the Human Resources Director or designee shall inform employees about:</p> <ol style="list-style-type: none"> <li>1. Dangers of drug abuse in the workplace.</li> <li>2. Board's policy of maintaining a drug-free workplace.</li> <li>3. Availability of drug counseling, drug rehabilitation, and employee assistance programs.</li> <li>4. Penalties that may be imposed for drug abuse violations occurring in the workplace.</li> </ol>

<p>41 U.S.C. Sec. 8103</p> <p>5. Guidelines</p>	<p>The Intermediate Unit shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.</p> <p><u>Reasonable Suspicion/Testing</u> 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 when there is reasonable suspicion of abuse of controlled substances by an employee, or when there is reasonable suspicion that an employee is under the influence of a controlled substance or alcohol when on Intermediate Unit property or vehicles or when engaged in its programs or activities.</p> <p>The employee’s supervisor must personally observe abnormal employee behavior, along with the physical appearance (eyes, pupils, nostrils, etc.), speech, breath odor, or clothing odor of an employee to cause reasonable suspicion for the purpose of this policy.</p> <p>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.</p>
<p>Pol. 810.1</p>	<p>A required physical examination and/or clinical test required under this policy shall conform to the procedures and requirements of the Substance Abuse Plan established by the Intermediate Unit for covered drivers.</p> <p>Candidates for employment in any position that may require driving an intermediate unit or personal vehicle to transport students may be required to undergo pre-employment screening for substance abuse or alcohol abuse. Such pre-employment screening shall be consistent with a procedure approved by the Executive Director.</p> <p>References: School Code – 24 P.S. Sec. 527 PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-101 et seq. Drug-Free Workplace Act – 41 U.S.C. Sec. 701 et seq. Board Policy – 317, 810.1</p>