

Personnel – Certified/Non-Certified

Drug and Alcohol Use

The New Milford Board of Education is committed to maintaining a work environment free from the adverse impact of employee drug and alcohol abuse. Employee drug and alcohol abuse can create serious risks of physical harm to fellow employees and students, and economic injury to the Board and other employees. Drug or alcohol abuse can lead to increased accident rates and absenteeism and can cause job performance and productivity to suffer. Employee drug and alcohol abuse can seriously compromise safety in the workplace and the quality of the services that the Board provides to the public.

Use of Illegal Drugs

The Board prohibits the unlawful manufacture, distribution, possession, or use of controlled substances by its employees in the workplace. The “workplace” includes but is not limited to: employees while on the job, while on school premises, while operating school equipment or vehicles, or while operating any other equipment or vehicles while on school business. “Controlled Substance(s)” includes any drug or substance that the law prohibits an individual from manufacturing, selling, or otherwise transferring, including, but not limited to, marijuana and cocaine. As a condition of employment, employees must abide by this policy and may be required to submit to a drug test where appropriate under this policy.

The Board also prohibits its employees from being on the job, on school premises, operating school equipment or vehicles, or operating any other equipment or vehicle on school business while under the influence of any controlled substance. An employee is “under the influence” if drug test results indicate the presence of a controlled substance in the employee’s system in an amount that constitutes a positive test result as defined elsewhere in this policy.

The Board recognizes the right of its employees to engage in off-duty activities of their choice. However, an employee’s off-duty activity that involves illegal drug use, including possession or sale, adversely impacts the school system and will not be tolerated.

Use of Legally Obtained Drugs

Employees must not be on the job, on school premises, or operating school equipment or vehicles while on school business while under the influence of any drug – legal or illegal – that renders the employee unfit for duty. An employee is “unfit for duty” if, in the opinion of the Director of Buildings and Grounds, an Administrator or his/her designee, the employee’s use of drugs jeopardizes his/her ability to work safely or efficiently.

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Use of Legally Obtained Drugs Cont'd.

If an employee's medically -required use of legally obtained drugs renders the employee unfit for duty, in the opinion of the Director of Buildings and Grounds, an Administrator or his/her designee, and a temporary alternative job assignment is not available, the employee will be considered unfit for duty due to illness.

Palliative Use of Marijuana

As required by state law, the Board will not discharge, penalize or threaten an employee solely on the basis of such employee's status as a qualifying patient or primary caregiver under Connecticut General Statutes sections 21a-408 to 21a-408n. Nevertheless, employees who are qualifying patients or primary caregivers are prohibited from manufacturing, distributing, using, possessing or being under the influence of marijuana during work hours, on school grounds, in school vehicles, or at a school sponsored event. The determination of whether such an employee is "under the influence" will be based upon the results of the drug test, if any is conducted, and the totality of the circumstances.

Use of Alcohol

The Board prohibits its employees from consuming, possessing, distributing, purchasing, selling, or otherwise transferring alcoholic beverages while on the job, while on school premises, while operating school equipment or vehicles while on the job, or while operating any other equipment or vehicles, while on school business.

The Board also prohibits its employees from being on the job, on Board premises, or operating school equipment or vehicles, or operating any other equipment or vehicle while on school business while under the influence of alcohol.

Testing of Staff

To insure the success of its drug and alcohol policy, the Board may require prospective employees to undergo physical examinations, blood tests, urinalysis, or other medical drug and alcohol detection procedures as set forth in administrative regulations. The Board also authorizes the administration to test employees in special circumstances in accordance with state and federal law. The administration shall promulgate regulations regarding applicant and employee testing.

4118.231(c)

4218.231(c)

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Failure to Cooperate

No employee shall refuse to submit to an alcohol or drug testing required under this policy. Furthermore, any employee who (a) fails to cooperate with the Board's investigation into possible violations of this drug and alcohol policy, or (b) refuses to sign consent to take a drug or alcohol test will be subject to disciplinary action up to and including discharge.

Violation of Policy

Any employee who violates any provision of this policy will be subject to disciplinary action up to and including discharge.

Legal References:

U.S. Constitution, 4th Amendment Search and Seizure

102 Stat. 4305-4308 Drug Free Workplace Act

Connecticut General Statutes

21a-240 Definitions (8) "Controlled Drugs," dependency producing drugs.

21a-243 Regulation re schedules of controlled substances

21a-408 to 21a-408o, Palliative Use of Marijuana

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NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut