

**CODIFICATION REFERENCE NUMBER:** M 4218

**DATE:** June 24, 1996

**REVIEWED:** December 18, 2007

## **SUPPORT STAFF MEMBERS SUBSTANCE USE**

**RESPONSIBILITY:** Every staff member has a responsibility to implement this policy.

### **PROCEDURES:**

**A. Basic procedures to be used when an employee is suspected of having a dependency upon or illegal use of a controlled dangerous substance:**

- The employee's behavior shall be observed and documented by concerned staff. Such behavior as poor working performance, negative personality changes, and poor attendance could be symptomatic of a substance use problem. The concerned staff member shall make this report to the building principal.
- The principal will notify the Superintendent of any such report. The principal and Superintendent, will discuss their concern for the employee's health and performance to determine if further pursuance is appropriate and necessary.
- The principal shall discuss the suspected behavior with the employee to determine the extent of the problem.
- The principal and Superintendent shall keep accurate and detailed official written records of all incidents related to suspected substance use.
- If the suspected dependency or use is confirmed, the employee shall be required to obtain professional counseling or complete an appropriate rehabilitation program. If necessary, an immediate leave of absence may be granted to the employee by the Superintendent. The Superintendent will consult with the Substance Awareness Coordinator regarding certified caring agencies. The employee's name will remain confidential.

**B. Procedures to be followed when an employee confides to a colleague or administrator that he/she has a substance use problem:**

- The staff member shall encourage the employee to seek help.
- Report the concern about the potential substance use problem to the building principal.
- The school physician also must report a substance use problem to the principal.

**C. Procedures to be followed when an employee is suspected of being under the influence of a substance during working hours:**

- Whenever it appears to any teaching staff member, school nurse, or any other employee of our School District that an employee may be under the influence of a controlled dangerous substance as defined by the New Jersey Statutes, or any chemical (including alcohol/anabolic steroids) or chemical compound which releases vapor or fumes causing condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, this situation shall be immediately reported to the principal.
- The principal will —
  - Notify the Superintendent.
  - Arrange for the immediate examination of the employee by the school physician or a doctor selected by the employee, or if such doctor is not immediately available, then arrange transportation to the local hospital. The employee shall be taken to the doctor or emergency room by the local first aid squad.
- A report shall be requested from the examining physician which shall set forth whether or not the employee is under the influence of a controlled dangerous substance, or any chemical, which includes alcohol, anabolic steroids, or chemical compound. This test must be made within 24 hours of the initial request made by the principal.
- The employee shall not be permitted to resume work until he/she has submitted to the building principal a written report from his/her personal physician or the physician who initially examined him/her certifying that he/she is physically and mentally able to return to work.
- If the report indicates a positive diagnosis, a **Violence, Vandalism, and Substance Abuse Incident Report** shall be completed by the principal.
- If the report indicates a positive diagnosis, the following sanctions apply:

**First offense** — The employee must report to an outside certified agency for counseling for three required sessions. A report from the agency must be submitted to the Superintendent within one week after the third counseling session. A warning letter from the Superintendent will be placed in the employee's personnel folder.

**Second offense** — The employee must report to an outside certified agency for counseling for five sessions. A report from the agency must be submitted to the Superintendent within one week after the fifth counseling session. A letter of reprimand will be placed in the employee's personnel folder advising him/her that a third incident will result in a suspension without pay and a loss of an increment for the following year.

**Third offense** — The employee must enroll in a certified rehabilitation program. A letter must be sent to the Superintendent at the conclusion of the treatment programs.

Also, the employee will be suspended for a month without pay and lose his/her increment the following year.

**Fourth offense** — The employee will have a hearing before the Board; at this hearing a decision will be rendered by the Board relating to the continued employment of the employee.

- If the employee is suspected of substance use and, in the judgment of the Board of Education, and/or its agents, shows evidence of deviation from normal, physical or mental health, the Board may require the employee to undergo a physical examination in accordance with N.J.S.A. 18A:16-2, 18A:16-3 AND N.J.A.C. 6:29-7.4 (f). An employee who fails to comply with this requirement shall be subject to discipline.
- If the employee refuses to be examined for suspected substance use, the principal will notify the Superintendent immediately, or in his/her absence, his/her designee. The Superintendent or designee shall request the school employee leave the school premises immediately. If the school employee refuses to leave the school premises when required, the appropriate law enforcement agency will be called and a police report will be filed.

**D. Procedures to be followed when an employee is found in possession of, and/or selling/distributing alcohol, anabolic steroids, and/or a controlled dangerous substance as defined by New Jersey Statutes and/or Codes:**

- A report will be immediately filed with the appropriate law enforcement agency if any employee is found to be using, be in possession of, or selling illicit drugs, alcohol, or anabolic steroids on the school's premises or as part of any school function.
- If in the course of any investigation by the appropriate law enforcement agency, an employee is arrested by the police, he/she will be immediately suspended from work with pay until a Board hearing can be arranged for further disciplinary action.
- Should the employee be found guilty of a criminal offense, he/she will have a Board hearing at which time the Board will render a decision regarding disciplinary action. He/she may be suspended without pay, lose an increment, be required to attend a rehabilitation program, or be terminated from employment.
- Any school staff member who in good faith reports an employee to the principal in an attempt to help such person cure his/her dependency upon or illegal use of controlled dangerous substance(s) as defined by N.J.S.A. 2A:170-25-9 and N.J.S.A. 24:21-2 shall not be liable in civil damages as a result of making any such report as specified in N.J.S.A. 2A:62A-4.

Alcohol and anabolic steroids are not listed as a controlled, dangerous substance by statute or code.

N.J.S.A. 2C:33-15 et seq.	20 U.S.C. 1145g, 3224a
N.J.S.A. 24:21-2 et seq.	Drug Free Workplace Act
N.J.S.A. 18A:40A-13&14	of 1988, P.L. 100-690
42 C.F.R. II	
34 C.F.R. 85.600 et seq.	