

EMPLOYEE SUBSTANCE ABUSE

General – All Employees

The use of alcoholic beverages in school worksites is prohibited. Violations of this prohibition may subject an employee to disciplinary action which may include but is not limited to non-renewal, suspension, or termination at the discretion of the board.

The unlawful manufacture, distribution, dispensing, possession of, use of or sale of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance on or in school worksites is prohibited. Any violation may subject an employee to participation in a drug rehabilitation program and disciplinary action including but not limited to non-renewal, suspension, or termination at the discretion of the board of education.

For the purposes of this policy “worksite” shall include any school building, or any school premises and any school-owned vehicles or any other school-approved vehicle used to transport students to and from school or school activities. Worksite also includes off-school property during any school-sponsored or school-approved activity, event or function such as a field trip or athletic event, where students are under the jurisdiction of the school district.

The board of education, as a result of criminal convictions of any criminal drug statute violation by an employee occurring outside of the worksite, may discipline said employee. Disciplinary action may include, but is not limited to non-renewal, suspension, or termination at the discretion of the board.

Illegal gambling is not permitted in the school worksite.

Smoking by employees on school grounds is prohibited

The superintendent shall establish a drug-free awareness program which includes notice of the dangers of drug abuse in the workplace and available drug counseling programs and shall distribute this policy to all employees annually. New employees shall be provided with a copy of this policy prior to beginning work assignments.

Legal References:

<u>N.J.S.A.</u> 2C:33-16	Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
<u>N.J.S.A.</u> 2C:35-1 <u>et seq.</u>	Controlled dangerous substances
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:16-2	Physical examinations; requirement
<u>N.J.S.A.</u> 18A:27-4	Power of board of education to make rules governing employment of teacher, etc.; employment thereunder
<u>N.J.S.A.</u> 18A:36-32	Cigarette coin-operated vending machines; operation, installation or maintenance on property used for school purposes; fine
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 24:21-19	Prohibited acts A. –Manufacturing, distributing, or dispensing—Penalties
<u>N.J.S.A.</u> 26:3D-15 through –21	Legislative findings and declarations ... (smoking in educational institutions)
<u>N.J.A.C.</u> 6:29-1.3	Policies and procedures
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6:29-1.3(a)8	
<u>N.J.A.C.</u> 6:29-10.1 <u>et seq.</u>	Safe and drug free schools
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6:29-10.4, 10.5, -10.6	

Owner-Operator Indep. Drivers Assoc., Inc. v. Pena, No. 93-1427, November 1, 1993,  
U.S.D.C. Dist. of Columbia

New Jersey Constitution, Art. VI & VII, par. 2

Anti-Drug Abuse Act of 1988

Drug-Free Workplace Act of 1988

34 CFR Part 85.100, Governmentwide Debarment and Suspension (nonprocurement) and  
Governmentwide Requirements for Drug-Free Workplace (Grants)

49 U.S.C. & 2717 et seq. – Omnibus transportation Employee Testing Act of 1991

Legal References: (continued)

49 C.F.R. Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs

49 C.F.R. Part 382 – Controlled Substance and Alcohol Use and Testing

49 C.F.R. Part 391 – Qualification of drivers

P.L. 103-227, GOALS 2000: Educate America (Pro Children Act of 1994)

Attorney General’s Executive Directive No. 1988-1

Cross References:

1330	Use of school facilities
1410	Local units
3220/3230	State funds; federal funds
3515	Smoking prohibition
3541.33	Transportation safety
4119.23	Employee substance abuse
4212.4	Employee health
4212.6	Personnel records
4217.50	Standards for staff discipline
5131.6	Drugs, alcohol, tobacco (substance abuse)

