

**ILLEGAL DRUG AND ALCOHOL POLICY
DRUG-FREE WORKPLACE ACT OF 1988
AND
DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENTS OF 1989**

In March of 1988 the federal government passed the Drug-Free Workplace Act of 1988, which requires all federal contractors and all federal grant recipients to certify that they have established a drug-free workplace environment. Failure to comply with certification requirements may result in loss of contract, suspension, or debarment from grant programs for up to five years.

Certification requires that the Hadley Public Schools:

1. Publish a statement, notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace is prohibited and that specified actions, including discipline, will be taken for violation of the policy.
2. Establish a drug-free awareness program informing employees about:
 - a. the dangers of drug abuse in the workplace
 - b. the policy of the Hadley Public Schools of maintaining a drug-free workplace
 - c. the availability of drug counseling/rehabilitation/and employee assistance programs, and the penalties imposed for drug abuse violations
3. Provide a copy of the policy statement against drug use in the workplace as provided in 1. above to each employee engaged in the performance of a grant.
4. Notify employees that employment on a grant is conditioned upon:
 - a. abiding by the terms of the drug-free workplace policy; and
 - b. notifying the employer of any criminal drug statute conviction (including pleas of guilty or nolo contendere) resulting from workplace conduct no later than five days after such conviction.
5. Notify the grant-providing agency within ten days of receipt of notice of conviction.
6. Impose sanction, up to and including termination, upon, or require satisfactory participation 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 by an employee who is so convicted, within thirty days of learning of said employee's conviction for workplace-based drug abuse.

In 1989, the federal Drug-Free Schools and Communities Act Amendments of 1989 were passed which require that each local educational agency (LEA) certify that it has adopted and implemented a program to prevent the use of illicit drugs and alcohol by students and

employees in order to remain eligible to receive any federal funds of any sort. Regulations further set out the requirements of this law.

A certifiable program is defined by the Federal regulations to include:

1. Age-appropriate, developmentally based drug and alcohol education and prevention programs for students in all grades from early childhood level through grade 12.
2. Conveying to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful.
3. Standards of conduct that are applicable to students and employees that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol on school premises or as a part of any of its activities.
4. A clear statement that sanctions, up to and including expulsion or termination of employment and referral for prosecution, will be imposed on students and employees who violate the standards of conduct and a description of those sanctions.
5. Information about any available drug and alcohol counseling, rehabilitation, and re-entry programs that are available to students and employees.
6. A requirement that parents, students, and employees be given a copy of the standards of conduct and statement of sanctions.
7. Notifying parents, students, and employees that compliance with required standards of conduct is mandatory; and
8. A biennial review by the LEA applicant of its program to determine its effectiveness, implement changes if needed, and ensure that the sanctions are consistently enforced.

Illegal drug and alcohol abuse in the workplace is a danger to us all. They impair safety and health, promote crime, lower productivity and quality, and undermine public confidence in the work we do.

In compliance with the federal Drug-Free Workplace Act of 1988 and the federal Drug-Free Schools and Communities Act Amendments of 1989, the Hadley Public Schools are committed to maintaining a drug-free workplace.

Employees have the right to know the dangers of drug and alcohol abuse in the workplace, the School Committee's policy about them, and the assistance available to combat drug and alcohol problems. The Hadley Public Schools shall use its best efforts to maintain privacy and confidentiality to those employees seeking and/or accepting services.

Employees shall not be under the influence of or engage in unlawful manufacture, possession, consumption, use or distribution of either illegal drugs or alcohol on school premises or during a school-sponsored activity at any location.

Any employee violating the above policy is subject to appropriate disciplinary action, up to and including termination, for the first offense. However, the recommended course of action is to have employees prior to a drug or alcohol related incident subjecting the employee to disciplinary action, obtain rehabilitative help through a referral assistance program, up to and including those benefits under their health coverage. Employees may self-refer, may be referred by their immediate supervisor and/or bargaining unit representative, or may be referred by their families.

As a condition of employment, all employees of the Hadley Public Schools are required to comply with the prohibition against drugs and alcohol in the workplace, and to notify the Superintendent, within five (5) days after any criminal drug statute conviction (including pleas of guilty or nolo contendere) for a violation occurring within the workplace.

Under federal law, the Superintendent must notify the grant-providing federal agency within ten (10) days of receipt of notice of a criminal drug statute conviction for a violation occurring within the workplace. Within thirty (30) days of receiving notice, the School Committee must take appropriate personnel action against the employee, up to and including termination, or require the employee to satisfactorily participate in an approved substance abuse assistance or rehabilitation program. Such programs may, or may not be fully covered by health insurance benefits.

Any disciplinary action in connection with employee violations of this policy will be conducted in accordance with the provisions of any applicable collective bargaining agreements and statutes in effect at the time of such disciplinary action.

In the event any provision or part of this policy shall, for any reasons be in conflict with, or rendered illegal or unenforceable by, the federal Drug-Free Workplace Act of 1988, or any existing or future regulations promulgated thereunder, said laws and/or regulations shall supersede any such provision or part and the provision or part so affected shall no longer be operative but the remaining provisions or parts shall continue in full force and effect. The words used herein will be construed under, and as defined by, the federal Drug-Free Workplace Act of 1988 and/or the federal Drug-Free Schools and Communities Act Amendments of 1989.

Adopted By:

Hadley School Committee: October 28, 2013

Reviewed by:

Hadley School Committee: September 29, 2017

Hadley School Policy Subcommittee: November 28, 2022