

Drug and Alcohol Free Workplace

(Drug and Alcohol Use by Staff Members)

The unlawful manufacture, distribution, dispensing, possession, or use of alcohol or a controlled substance is prohibited in Lake George Charter School. No employee shall report for duty or remain on duty while under the influence of any “controlled substance”. For purposes of this policy, “controlled substances” means drugs identified and regulated under federal law, including but not limited to marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamine). Because the possession and use of marijuana, whether for medical use or otherwise, is not compatible with the performance of any job with the charter school, the charter school will not accommodate the use of medical marijuana on the job, or the use of marijuana for medical purposes while the employee is off duty, or off the job, if the employee is under the influence while performing duties or while at the workplace. (Note: Although some actions involving marijuana are no longer prohibited by state law, federal law still prohibits the manufacture, sale, distribution, possession and use of marijuana. As a recipient of federal funds, the charter school has an obligation to maintain a drug-free workplace. Thus, marijuana is an illicit drug and controlled substance for purposes of this policy.)

Observance of this policy is a condition of employment. A violation shall subject the employee to appropriate disciplinary action, which, may include termination of employment and referral for prosecution. In appropriate circumstances and at the charter school’s discretion, disciplinary sanctions may include the completion of an approved drug or alcohol abuse assistance or rehabilitation program. Any such program shall be at the employee’s expense. However, the charter school is not required to offer rehabilitation in lieu of termination or other discipline to any employee who has violated this policy.

An employee knowingly in the possession of or under the influence of alcohol or any controlled substance shall be suspended immediately by the administrator if such use or possession is:

1. On charter school grounds, whether or not school is in session.
2. At any school-sponsored or sanctioned activity or event off charter school property or enroute thereto.
3. On the way to work.

An employee shall be suspended immediately after arrest for possession or for being under the influence of a controlled substance.

After investigation, the administrator may reinstate the employee if it appears to be in the best interests of the individual and the charter school. The matter must be reported in full to the Charter Board.

Pursuant to law, any employee who is convicted or pleads *nolo contendere* under any criminal drug statute for a violation occurring in the workplace shall notify the administrator no later than five days after the conviction. The charter school has an obligation under federal law to notify the appropriate federal agency within 10 days after receiving notice of such conviction if there is a relationship between federal funds received by the charter school and the convicted employee's work site.

Awareness and Prevention Program

The administrator shall establish an awareness program to inform employees about:

1. The dangers of drug and alcohol abuse.
2. The Board's policy of maintaining a drug-free workplace.
3. Available drug and alcohol counseling, rehabilitation and employee assistance programs.
4. Penalties that may be imposed upon employees for drug and alcohol abuse violations occurring in the workplace.

The Charter Board shall conduct a periodic review of its awareness and prevention program to determine its effectiveness and implement appropriate changes.

LEGAL REF.: 20 U.S.C. 7101 *et. seq.* (*Safe and Drug-Free Schools and Communities Act*)
21 U.S.C. 812 (*definition of controlled substance*)
41 U.S.C. §§701 and 702 (*Drug-Free Workplace Act of 1988*)
Colo, Constitution, Article XVIII, Sect. 14 (10)(b) (*employer not required to accommodate use of marijuana in workplace*)
C.R.S. 18-18-407 (2) (*crime to sell, distribute or possess controlled substance on or near school grounds or in school vehicles*)
C.R.S. 25-1.5-106 (12)(b) (*prohibits possession or use of medical marijuana on school grounds or in school vehicles*)

CROSS REF.: EEAEAA*, Drug and Alcohol Testing For Bus Drivers
GCQF, Discipline, Suspension, and Dismissal of Professional Staff
GCQD, Discipline, Suspension, and Dismissal of Support Staff
JICH, Drug and Alcohol Use by Students

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Lake George Charter School