

1 The [Transylvania County Board of Education \(the “board”\)](#) recognizes that reducing drug and  
2 alcohol abuse in the workplace improves the safety, health, and productivity of employees. It is  
3 the policy of the board that a drug-free and alcohol-free workplace must be maintained.  
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5 **A. PROHIBITED ACTIVITIES**

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7 The board prohibits employees from engaging in the unlawful manufacture, sale,  
8 distribution, dispensing, possession, or use of any narcotic drug, hallucinogenic drug,  
9 amphetamine, barbiturate, marijuana, anabolic steroid, alcohol, stimulants, synthetic  
10 cannabinoids, counterfeit substance, or any other controlled substance as defined in (1)  
11 schedules I through VI of the North Carolina Controlled Substances Act or in (2)  
12 schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812)  
13 and further defined by regulation at 21 C.F.R. 1300.01 through 1300.04 and 21 C.F.R.  
14 1308.11 through 1308.15. Employees must not be under the influence of alcohol or be  
15 impaired by the excessive use of prescription or nonprescription drugs at any time this  
16 policy is applicable. This policy is not violated by an individual’s proper use of a drug  
17 lawfully prescribed for that individual by a licensed health-care provider.  
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19 **B. APPLICABILITY**

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21 This policy governs each employee before, during, and after school hours while the  
22 employee is on any property owned or leased by the board; at any time during which the  
23 employee is acting in the course and scope of his or her employment with the board; and  
24 at any time that the employee’s violation of this policy has a direct and adverse effect  
25 upon his or her job performance. This policy does not apply to an employee’s  
26 consumption of alcoholic beverages that are served at a reception or other similar  
27 function that occurs outside the regular workday and that the employee is authorized or  
28 required to attend as a part of his or her employment duties.  
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30 **C. REASONABLE SUSPICION TO SEARCH**

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32 An employee may be subjected to a search of his or her person or belongings or school  
33 property under the employee’s control if there is reasonable suspicion that the employee  
34 has violated this policy. An employee also may be required to submit to a drug or  
35 alcohol test when there is reasonable suspicion of drug or alcohol use by the employee in  
36 violation of this policy. Reasonable suspicion shall be based on specific,  
37 contemporaneous observations concerning the physical, behavioral, speech, and/or  
38 performance indicators of drug or alcohol use. The observations must be made by a  
39 trained supervisor.  
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41 All drug and alcohol testing will be done with procedures that ensure the confidentiality  
42 and privacy interests of the employee and in accordance with law. Employees who  
43 refuse to submit to a search or a test to detect alcohol or drug use after reasonable

44 suspicion is established may be suspended immediately pending consideration of a  
45 decision to terminate employment.

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47 In addition, any employee, volunteer, or independent contractor who operates a  
48 commercial motor vehicle in the course of duties for the board may be subject to drug  
49 testing in accordance with policy 7241, Drug and Alcohol Testing of Commercial Motor  
50 Vehicle Operators.

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52 The board will cover the cost of any required employee testing.

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54 **D. DUTY TO REPORT**

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56 An employee must notify his or her supervisor in writing of any conviction under any  
57 criminal drug statute for a violation occurring within the scope of Section B of this  
58 policy. Notification must be given no later than the next scheduled business day after  
59 such conviction, in accordance with policy 7300, Staff Responsibilities. Within ten (10)  
60 days of receiving a notice of conviction by an employee whose position is funded in any  
61 part by a federal grant, the director of human resources or designee shall notify the  
62 funding agency of the conviction. "Conviction" as used in this policy includes the entry  
63 in a court of law or military tribunal of: (1) a plea of guilty, *nolo contendere*, no contest  
64 or the equivalent; (2) a verdict or finding of guilty; or (3) a prayer for judgment continued  
65 ("PJC") or a deferred prosecution.

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67 **E. CONSEQUENCES**

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69 Violation of this policy will subject an individual to disciplinary action by the board that  
70 could result in non-renewal or termination of employment with the school system or the  
71 requirement that the employee participate satisfactorily in a drug or alcohol abuse  
72 assistance or rehabilitation program approved by the board or federal, state, or local  
73 health, law enforcement, or other appropriate agency. Information concerning available  
74 counseling, rehabilitation, and re-entry programs will be provided to employees.

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76 All employees shall receive a copy of this policy.

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78 Legal References: 21 U.S.C. 812; 41 U.S.C. 701 *et seq.*; 21 C.F.R. 1300.01-.04 and 1308.11-  
79 1308.15; G.S. 20-138.2B; 90-89 to -94; 115C-36; *O'Connor v. Ortega*, 480 U.S. 709 (1987)

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81 Cross References: Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy  
82 7241), Staff Responsibilities (policy 7300)

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84 Adopted:

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