

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 Independent contractors, volunteers, and visitors are subject to all requirements of this
31 policy while on school property or at a school-sponsored event.
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33 **C. REASONABLE SUSPICION TO SEARCH**
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35 An employee may be subjected to a search of his or her person or belongings or of school
36 property under the employee’s control if there is reasonable suspicion that the employee
37 has violated this policy. An employee also may be required to submit to a drug or
38 alcohol test when there is reasonable suspicion of drug or alcohol use by the employee in
39 violation of this policy. Reasonable suspicion shall be based on specific,
40 contemporaneous observations concerning the physical, behavioral, speech, and/or
41 performance indicators of drug or alcohol use. The observations must be made by a
42 supervisor or other school system official with training or experience in such indicators.
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44 All drug and alcohol testing will be done with procedures that ensure the confidentiality
 45 and privacy interests of the employee and in accordance with law. Employees who
 46 refuse to submit to a search or a test to detect alcohol or drug use after reasonable
 47 suspicion is established may be suspended immediately pending consideration of a
 48 decision to terminate employment.

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 50 In addition, any employee, volunteer, or independent contractor who operates a
 51 commercial motor vehicle or performs other safety-sensitive functions in the course of
 52 duties for the board may be subject to drug and alcohol testing in accordance with policy
 53 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators.

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

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 57 **D. DUTY TO REPORT**

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

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 71 **E. CONSEQUENCES**

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

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 81 All employees shall receive a copy of this policy.

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 83 Legal References: 21 U.S.C. 812; 41 U.S.C. 8101 *et seq.*; 21 C.F.R. 1300.01-.04 and 1308.11-
 84 .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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 86 Cross References: Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy
 87 7241), Staff Responsibilities (policy 7300)

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89 Adopted: January 19, 2016
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91 Revised: March 5, 2018; [DATE]

REVISED