

General Personnel

Employee Substance Possession and Abuse

WHEREAS, it is in the best interest of the students and fellow employees of Community Unit School District No. 9 (hereafter "School District") that any personnel employed by School District, or under contract to provide services to the School District, not use, abuse, or are not under the influence of any drugs, alcohol or other illicit substances, with the intent or purpose of using or abusing these substances.

WHEREAS, it is in the best interest of the students and fellow employees of the School District that any person using, abusing, or under the influence of any drug, alcohol or other illicit substances be disciplined, and/or given an opportunity to rehabilitate himself/ herself.

WHEREAS, it is in the best interest of the employer and employees of the School District to develop procedures for discipline and rehabilitation which are fair, equitable, and which differentiate between alcohol and drugs/other illicit substances; and which assess greater penalties for violations involving drugs/other illicit substances.

WHEREAS, it is in the best interest of the employer and employees of the School District to develop procedures which recognize that simple possession of unopened alcohol which is not intended for consumption at the work site and which is only coincidentally present as it is being transported elsewhere, and/or which is intended to be given as a gift to a fellow worker, is not violative of this policy this School District herewith enacts the following Policy concerning Employees' Substance Possession and Abuse:

I. DEFINITIONS

- A. That drugs, alcohol, and other illicit substances are herewith defined to include, but are not limited to the following:
 - 1. Any illegal or illicit drugs, including marijuana, cocaine, or any other controlled substance as defined in the Illinois Criminal Code.
 - 2. Any alcoholic beverage, or other beverage containing alcohol, including beer, whiskey, and any and all spirits.
 - 3. Any other chemical or household substance, which, when sniffed or otherwise taken internally, impairs the physical or mental ability or judgment of the person, including glue, tulio, or any other substances.
- B. That "use" and "abuse" are defined as the taking internally of any of the above substances, whether by drinking, sniffing, injecting, or otherwise resulting in the body being exposed to those substances.
- C. "Under the influence of" shall be defined as the use or abuse of any substance defined above, which has any effect whatsoever on the physical coordination or abilities of any personnel, or otherwise impairs the judgment or mental abilities of any personnel, while in the course of their employment with the School District.
- D. "Possession" is defined as having on one's person, or contained or stored within any property owned or assigned to any person, including automobiles on any school property, of any illegal drugs, alcohol, or other illicit substances. "Under the influence of" shall not include the taking of any prescription medicine prescribed by a physician, in the dosage prescribed by that physician, unless the taking of said prescription drugs severely impairs the physical or mental abilities of the person taking those prescription drugs.

II. DETECTION

- A. The building supervisor, upon receiving information regarding drug use or abuse, shall immediately report the information to the reported employee and, if requested, to the appropriate union representatives.
- B. Upon receiving such report, the building supervisor shall immediately contact said the reported employee and, if requested by that employee, the appropriate union representatives, and shall discuss the report in private with the reported employee for the purposes of determining, in the opinion of the building supervisor, whether or not the reported employee is using, abusing, or under the influence of any drug, alcohol, or other illicit substance. Prior to this conference, the employee will be informed that statements would be admissible against the employee at trial and therefore the employee might want to seek legal counsel.
- C. In the event the building supervisor determines that the employee is using, abusing, or under the influence of any drug, alcohol or other illicit substance, then that building supervisor shall take any and all steps necessary to remove the employee from the classroom, or other work assignment, and shall obtain a substitute, if necessary. Further, the building supervisor shall notify the proper administrative supervisor of the report and the removal of the employee from the job. The administrative supervisor then shall immediately notify the Superintendent of the identity of the employee being reported, the facts and circumstances of the building supervisor interview of the reported employee, and any actions taken by the building supervisor. The Superintendent then may take whatever action he/she feels is appropriate, including suspension of the employee from work duties for a period not to exceed five school days.
- D. That any person possessing any drug, alcohol, or other illegal substance shall be subject to the same provisions stated above, and further, that the Superintendent may contact the proper law enforcement authorities if he/she is able to confirm that the reported employee has possession of any drug, alcohol, or other illegal substance.
- E. That the Superintendent or administrative supervisor at the direction of the Superintendent, shall prepare a written summation of all events and information concerning the report, including any and all actions taken. Copies of these written summations shall be forwarded to all Board of Education Members, with directions that the summation is strictly confidential, and any information contained in the summation shall not be divulged to any person. A copy of the report will be provided to the employee.

III. REVIEW

- A. In the event of suspension or other disciplinary action of a reported employee, the employee shall have a right to a review of the suspension or disciplinary action by the Superintendent, by means of a meeting with the Superintendent, administrative supervisor and building supervisor, union representatives, and an attorney on behalf of the reported employee, if so desired.
- B. Prior to the conference in III-A, the employee will be informed that statements would be admissible against the employee at trial and therefore the employee might want to seek legal counsel.
- C. Upon completion of the conference, the Superintendent may take whatever action deemed necessary. If the reported employee is not satisfied with that action, then he/she may pursue a grievance pursuant to the collective bargaining agreement

IV. DISCIPLINE

- A. The Board of Education may take further action, if deemed necessary, including suspension without pay, or termination of the reported employee. Such action shall be taken in compliance with the provisions of the Illinois School Code. The employee may pursue a grievance as per the collective bargaining agreement.
- B. That the Board of Education may grant a hearing before the Board to review the report or any other information relating thereto.

V. TREATMENT

- A. At the request of a reported employee, the School District may render any assistance necessary to assist the reported employee in obtaining treatment or rehabilitation for his/her use, abuse, or influence of any drug, alcohol, or other illegal substance.
- B. That the administrative office shall make available to all employees any information which the School District may have concerning Community and State Agencies with information and rehabilitation programs for drug, alcohol or illicit substance abuse.

VI. NOTIFICATION

- A. That any employee or other person under contract to provide services to the School District shall notify his/her supervisor of any conviction of any criminal drug statute for a violation occurring on District premises, or while performing work for the District, no later than five days after such conviction.
- B. That in the event an employee or person under contract to provide services to the School District shall report a conviction, then the Superintendent of the School District shall notify the appropriate federal agency from which the School District receives grant money of that conviction, within ten days after receiving notice of the conviction.

CROSS REF.: Drug Free Work Place Act, 102 Stat. 4305-4308; 54 Fed. Reg. 4946
Controlled Substances Act, 21 U.S.C. Section 812; 21 C.F.R. 1308.11

ADOPTED: 8/14/90

REVISED: 5/14/91

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