



DRUG/ALCOHOL FREE WORKPLACE
(Personnel and Management)

DRUG/ALCOHOL FREE WORKPLACE

The goal of this Policy is to maintain a safe and drug/alcohol free learning and work environment for all students and employees.

1. The following Drug/Alcohol Free Workplace Policy the official policy of the Marlborough School Committee to be implemented immediately.
 - A. The unlawful manufacture, distribution, sale, dispensation, storing, possession, use, or being under the influence of any controlled substance (defined in Schedules I through V of Section 202 of the Controlled Substances Act §21 USC 812; or 21 CFR 1308.11 1308.15), drug paraphernalia or alcohol is prohibited while on duty or on school property. "School property" includes, without limitation, the buildings, grounds and/or premises of the Marlborough Public Schools, school busses and school-owned or -provided vehicles, and any other locations at which school-sponsored and/or extracurricular activities of the Marlborough Public Schools are taking place or where the employee is appearing on behalf of the Marlborough Public Schools. Reporting to work, working or acting or appearing on behalf of the Marlborough Public Schools while under the influence of any controlled substance, drug paraphernalia or alcohol is prohibited. This Policy shall apply, without limitation, to any employee who tests positive for, manufactures, distributes, sells, dispenses, stores, possesses, uses, or is under the influence of marijuana, THC, CBD or related substances, regardless of the reason for the use or the source from which the employee acquired the substance. Any violation of this Policy will be grounds for disciplinary action up to and including immediate suspension or dismissal, subject to the provisions of any existing collective bargaining agreement or any applicable statute or regulation. Employees who are in violation of any applicable law may be referred to the appropriate law-enforcement authority/ies for legal prosecution.
 - B. For safety reasons, employees must notify the Human Resources Office before a work shift begins that the employee is taking medications or drugs which may interfere with the safe and effective performance of duties.
 - C. It is a condition of employment that each employee notify the Superintendent of Schools of any criminal drug or alcohol arrest or conviction within five (5) days of such arrest or conviction. The Marlborough School Department has an obligation to notify the appropriate federal agency within ten (10) days of receiving notice of a drug conviction occurring in the workplace to avoid the loss of federal funds. In addition, no later than thirty (30) days after receiving notice of an arrest or conviction, the Superintendent of Schools may take disciplinary action up to and including suspension or dismissal, subject to the provisions of any collective bargaining agreement or any applicable statute or regulation.
 - D. Employees who violate this Drug/Alcohol Free Workplace Policy will be subject to disciplinary action up to and including dismissal. The Committee will also encourage employees affected by alcohol and/or drug abuse to undergo a program designed to rehabilitate the employee. If

**DRUG/ALCOHOL FREE WORKPLACE**
(Personnel and Management)

the employee refuses to avail themselves of assistance, or if the employee fails to complete the rehabilitation program, and alcohol or drug abuse impairs work performance or attendance or conduct or reliability, then the normal progressive disciplinary procedures will be used.

- E. The Marlborough Public Schools reserves the right, within the limits of federal and state laws, to examine and test for the presence of drugs and/or alcohol. Under the conditions of this Policy, applicants or employees may be asked to submit to urine, saliva, breath, and/or blood testing for drugs and/or alcohol. The schools will test employees for drugs and/or alcohol for any employee who the school reasonably suspects may be affected by the use of drugs or alcohol which may adversely affect job performance, safety or the work environment. Administrators will make the decision whether there is reasonable suspicion to believe an employee is impaired by or under the influence of a drug or alcohol while on duty in violation of this Policy.
- F. The following conduct is prohibited, and may result in discipline, up to and including dismissal:
1. Testing positive for drugs or alcohol in violation of this Policy.
 2. Tampering with, adulterating, altering, substituting or otherwise obstructing any drug or alcohol testing process required under this Policy.
 3. Refusal to be tested.
 4. Refusal to sign required paperwork (including but not limited to, consent to testing forms, testing acknowledgement forms, and chain of custody forms).
 5. Failure to be reasonably available to be tested once the employee has been notified.
- G. Compliance with this Policy is a condition of employment. Refusing to be tested for drugs or alcohol and/or testing positive drug for drugs or alcohol in violation of this Policy will result in dismissal. Engaging in an activity or behavior which otherwise violates this Policy shall, at a minimum, result in removal from performing assigned functions. Additional disciplinary action may follow, up to and including dismissal.
- H. If the Marlborough Public Schools receives substantiation that there is a legitimate, medical explanation for a positive test result, the report of the test will be considered to be negative. This provision shall not excuse a positive test result as a result of the use of medical marijuana.
- I. If there is reasonable suspicion to believe that an employee is in possession of, using or under the influence of drugs and/or alcohol in the workplace, the employee will not be allowed to continue the employee's work assignment and shall be sent home. Disciplinary action, up to and including suspension or dismissal, will be taken subject to the provisions of any collective bargaining agreement or any applicable statute or regulation.
- J. Information about drug/alcohol counseling, rehabilitation and employee assistance programs will be available in the office of the Superintendent of Schools as well as through each building principal.



DRUG/ALCOHOL FREE WORKPLACE
(Personnel and Management)

- K. Each employee of the Marlborough Public Schools will be given a copy of this Policy as soon as possible following its adoption by the Marlborough School Committee.
- L. Each new employee shall be given a copy of this Policy at the beginning of their employment with the Marlborough Public Schools.

Legal Reference: 41 U.S.C. 81; M.G.L. c.71, §37H

Approved: 5/14/91
Approval: 5/28/19