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| NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED | SUBJECT: No. 150 Alcohol and Drug-Free School/ Campuses and Work Place |
| | Effective date: 02/07/08 Revised: 4/16/09; 12/15/10; 10/24/13; 12/11/14 |
| Distribution: All Staff | Kind: Board Policy |

GENERAL POLICY

Pursuant to the Safe and Drug-Free Schools and Communities Act of 1994, New Mexico School for the Blind and Visually Impaired will maintain an alcohol and drug-free environment for all employees and students, establish a drug awareness program for school personnel and students, and provide assurance to federal and state agencies that the school is complying with the relevant regulations. New Mexico School for the Blind and Visually Impaired is committed to zero tolerance and adopts and fully supports the U.S. Department of Transportation, Part 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

PROHIBITED PRACTICES

New Mexico School for the Blind and Visually Impaired prohibits employees or students from substance abuse in the work place, on school premises, during school programs, within 1000 feet of any school building, or while on school business. The unauthorized manufacture, distribution, dispensing, sale, possession or transfer, use or being under the influence of alcohol or controlled substances (as proscribed by the Controlled Substances Act and Schedules I through V of the Federal Drug Free Work Place Act of 1988) or any other substance abuse in the work place, on school premises, during school programs, within 1000 feet of any school building or property under the control of and governed by the Board of Regents of the New Mexico School for the Blind and Visually Impaired and at any site where school business or work is performed by individuals on behalf of New Mexico School for the Blind and Visually Impaired or in any facility that is used by and for students; including school owned vehicles or other approved vehicles used to transport students to and from school or school activities or any other site where students are under the supervision of the school during school-sponsored or school approved activities, events or functions. Also prohibited is possessing, selling, giving away or using any equipment or apparatus used for measuring, packaging, distributing or facilitating the use of drugs.

DEFINITIONS

“SCHOOL PROGRAMS” means any school sponsored or approved activity, event or function, on or off school premises where students are under the jurisdiction of the school; or during any period of time school employees are supervising students on behalf of the school or are otherwise engaged in school business. Collectively, school premises and school programs constitute the work place.

"WORKPLACE" is defined as the site for the performance of work done in connection with employment and shall include any place where work of the school is performed, including; school buildings or other premises; school owned vehicles or other approved vehicles used to transport students to and from school or school activities; school property or any other site where students are under the supervision of the school during school-sponsored or school-approved activities, events or functions.

USE OF AUTHORIZED PRESCRIPTION DRUGS

Authorized prescription drugs and “over the counter” legal drugs may be used at the work place so long as prescribed dosage and recommended use is not exceeded and the use of these drugs do not adversely affect the employee’s ability to perform required work in a safe and secure manner. When such legal drugs are to be used at the work place and will affect performance, employees should inform their supervisors. New Mexico School for the Blind and Visually Impaired is committed to zero tolerance and adopts and fully supports the U.S. Department of Transportation (DOT) regulation regarding the use of recreational and/or medical marijuana.

FEDERAL FUNDING REQUIREMENTS

NMSBVI is a recipient of federal funding and is subject to the Federal Drug Free Work Place Act of 1988. As a condition of employment each employee shall notify his or her employer of such employee’s conviction of any criminal drug statute for a violation occurring in the work place no later than five (5) days after such conviction. As a condition of employment, each employee shall abide by the terms of this policy. Any employee who violates the terms of this policy may be disciplined, up to and including dismissal, reprimand, suspension with or without pay, termination or discharge from employment and referral for investigation and/or prosecution by law enforcement agencies for violation of the standards of conduct or may be required to participate in and satisfactorily complete a drug abuse assistance or rehabilitation program approved by NMSBVI at the employee’s expense.

EMPLOYEE/STUDENT ASSISTANCE

Substance abuse affects employee performance, conduct, and/or reliability, and students’ ability to learn and complete assigned tasks.

NMSBVI strongly encourages employees who engage in any form of substance abuse, including alcohol or other drug-related problems, to voluntarily refer themselves for assistance. NMSBVI will provide information or referral for employee assistance, rehabilitation, and/or counseling.

Referrals may be provided for employees who request medical help or rehabilitation. Therefore, employees who voluntarily seek such assistance, termed self-referrals, may be dealt with differently than supervisor referrals. Information regarding the employee who is participating in a program will be treated as confidential and will be provided protection required by applicable state and federal law.

Employees who have entered into rehabilitation must comply with the terms of the program. Employees entered into inpatient rehabilitation as part of a prescribed program will be placed on appropriate leave status for that period. Fees and expenses incurred are the responsibility of the employee.

EMPLOYEE PERFORMANCE/SUPERVISOR REFERRALS

Supervisors will observe employee performance and on-the-job conduct to detect behavior that could compromise the health and safety of the employee or others. When that observation indicates cause to believe that substance abuse is a factor, supervisors are to take appropriate action as directed in this policy when:

1. Behavior is observed that may pose an immediate threat to the health and safety of the employee or of others and the supervisor reasonably suspects that substance abuse may be a contributing factor.

2. The use of controlled substances, the misuse of legal substances, or unauthorized use of alcohol has been observed in the work place.
3. A work-related accident or incident occurs where the supervisor reasonably suspects that substance abuse, misuse of legal substances, or alcohol abuse may be a contributing factor.

STANDARDS OF CONDUCT

All employees are expected to cooperate fully with NMSBVI's objective of maintaining a zero tolerance Alcohol and Drug-Free Work Place. Failure to do so is deemed to be a violation of this policy and the standards of conduct prescribed therein. Accordingly, in the event that an employee violates this policy, refuses to submit to a required evaluation for substance abuse, refuses rehabilitation, fails to complete a prescribed rehabilitation program, fails to submit required documentation relative to evaluation, or falsifies any record relative to abuse of any substance, such employee will be subject to disciplinary action up to and including discharge.

PRE-EMPLOYMENT TESTING

Drug testing shall be required of all NMSBVI employees prior to being hired.

RANDOM DRUG TESTING

The obligation of employees in all positions to perform their duties unimpaired holds direct consequences for the safety of the students of NMSBVI and of the general public.

The following job categories are designated safety-sensitive and are subject to random drug testing:

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| Mental Health | Braille Transcriptionist/Inclusion Assistant |
| Building Custodian | Orientation and Mobility Specialist |
| Developmental Specialist/Coordinator | Educational Services Director |
| Food Service Worker | Itinerants/Coordinator |
| Groundskeeper | Inclusion Instructor |
| Health Service Worker | Residential Life |
| Housekeeper | Security Guard |
| Lifeguard | Superintendent |
| Maintenance | Transportation |
| Mechanic | Low Vision Coordinator/Itinerant |
| Transition Services Coordinator | Life Skills |
| Director of Student Services | |
| *Anyone with an NMSBVI car exclusively assigned to them. | |

In addition to the enforcement procedures set forth within this policy, the Board of Regents reserves the right at any time to require the submission of blood, breath, or urine samples by any such employees for testing by an authorized testing laboratory.

REASONABLE CAUSE/SUSPICION TESTING

Reasonable cause/suspicion means the observed actions, appearance or abnormal conduct of an employee on duty that are indicative of the use of controlled substances or alcohol.

PROCEDURES

If an employee is suspected of using controlled substances or alcohol while on duty or post accident or incident, the appropriate supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion. The appropriate supervisor will promptly prepare a written report detailing the circumstances, which formed the basis to warrant the testing. This report should include the appropriate date and times of reported drug/alcohol related incidents, reliable/credible sources of information, rationale leading to the test, and the action taken.

To include hours after the normal work day, Human Resources or its designee will be notified and the employee **shall be taken** to an approved collection site and a required reasonable suspicion drug and/or alcohol test shall be administered. Refusal by the employee to take the required test(s) shall be grounds for discharge from NMSBVI.

DISCIPLINARY ACTIONS

Any violation of these prohibited practices by an employee may result in disciplinary action up to and including dismissal, suspension with or without pay, discharge or termination of employment and referral investigation and/or prosecution by law enforcement agencies.

Any violation by a student of these prohibited practices may result in suspension or expulsion from school or in-school suspension or dismissal from participation in and attendance at extracurricular activities in accordance with NMSBVI Policy 516, Reporting Student Drug and Alcohol Use and the Student/Family Handbook.

EDUCATION PROGRAM

NMSBVI shall arrange for periodic training and education in the dangers and risks to physical and mental health, economic welfare, and civil status from the use of illicit drugs and abuse of alcohol and tobacco.

Human Resources will post notices regarding alcohol and drug-free work place on bulletin boards at each site and administrative building.

This policy shall be included with the orientation package of materials for each new employee and will maintain records signed by the employee acknowledging the receipt of this policy and stating that compliance with the policy is mandatory. This policy shall also be incorporated into student and parent handbooks.

CONFIDENTIALITY AND DUE PROCESS

Employees and students are assured that every effort will be taken to protect their confidentiality. Actions taken in enforcement of this policy shall comply with such hearing or due process procedures as may be required by NMSBVI policy or state laws.

POLICY REVIEW

An annual review of this policy shall be conducted to determine its effectiveness, or implement changes as needed, and to ensure that disciplinary sanctions are consistently enforced. This policy is adopted in accordance with Public Law 101-226, Drug-Free Schools and Communities Act Amendments of 1989.