

## DRUG-FREE WORKPLACE

### 1. PURPOSE.

- 1.1 The West Virginia Board of Education and the Barbour County Board of Education recognize the need to provide a high quality work environment. The use of alcohol and/or illegal drugs is a health and safety hazard and inhibits productivity.

### 2. RESPONSIBILITY.

- 2.1 The Board and administrative staff will be responsible for the administration of this policy.
- 2.2 Barbour County Schools shall assure full compliance with all regulations that define a drug-free workplace. The unlawful manufacture, distribution, dispensation, possession, or uses of a controlled substance and/or alcohol are prohibited on school property or in conjunction with school related activities. Additionally, no employee shall report for work on any West Virginia Department of Education or Barbour County schools project, whether on-site or in the field, while under the influence of alcohol and/or an illegal drug. Compliance is mandatory. Violations are subject to severe sanctions including but not limited to termination of employment
- 2.3 It shall be the responsibility of the Barbour County Board of Education to establish a drug awareness program for Barbour County Schools employees to provide information on the following: the Employee Assistance Program; the dangers of drug-abuse in the workplace; the establishment and maintenance of a drug free workplace; the penalties for workplace drug-abuse; available drug-free literature.

### 3. DEFINITIONS.

- 3.1 **Alcohol:** Alcoholic beverages and any other intoxicating liquid, which contains alcohol.
- 3.2 **Contractor:** Any department, division, unit, or any person responsible for the performance of work under a contract.
- 3.3 **Controlled Substance:** A Federally regulated substance listed in Exhibit A and/or Schedule I through V of Section 202 of the Controlled Substance Act (2 U.S.C. 812) And West Virginia Code 60A-2-201, et seq., (which may be amended from time to time), when taken into the body, may impair one's mental faculties and/or physical performance.
- 3.4 **Conviction:** A finding or guilty (including a plea of nolo contendere) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or state criminal Drug Statutes.

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- 3.5 **Criminal Drug Statute:** A criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.
- 3.6 **Drug-Free Workspace:** A worksite where work is performed in connection with the employees of Barbour County Schools. The workplace shall include facilities, property, guidelines, offices, structures, automobiles, trucks, trailers, other vehicles, and parking areas, whether owned or leased by the agency or entity.
- 3.7 **Employee:** Any person who works full-time, part-time, or under contract, including management or temporary staff who are directly engaged in the performance of work pursuant to the mission of the Barbour County Board of Education.
- 3.8 **Federal Agency:** An agency as that term is defined in Section 552(f) of Title IV, United state Code.
- 3.9 **Grantee:** Any department, division, unit, or any person responsible for the performance of work under the provisions of the federal grant.
- 3.10 **Illegal Drugs:** Any drug, which is not legally obtainable and is being used in a manner or for a purpose other than as prescribed.
- 3.11 **Legal Drugs:** Prescribed drugs and over-the-counter drugs, which have been legally obtained and are being used solely for the purpose for which they were manufactured or as prescribed by a physician.

**4. CONTENT.**

- 4.1 It is the policy of the West Virginia Department of Education and of the Barbour County Board of Education to ensure that its workplaces are free of illegal drugs and controlled substances by prohibiting the unlawful manufacture, distribution, possession or use, without medical authorization, of illegal or controlled substances and/or alcohol; the reporting to work under the influence of a non-medically prescribed controlled substance or alcohol; or possession of non-medically prescribed paraphernalia. This policy is applicable while employees are engaged in any work-related activity, which includes performance of agency business during regularly scheduled workdays, meal breaks, and/or occasions have a connection with the job or the agency.
- 4.2 Possession and/or distribution of a controlled substance will be dealt with promptly in accordance with legal and administrative disciplinary procedures. Employee's who are in violation of the provision of the Drug-Free Workplace Act shall be subject to disciplinary action up to and including termination and/or may be required to satisfactorily participate in a drug rehabilitation or assistance program. Rehabilitation will be provided according to the guidelines of the Public Employees Insurance Agency and the Barbour County Employee Assistance Program.

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- 4.3 The Barbour County Board of Education will take appropriate personnel action in accordance with this policy. When an offense, at the workplace, is deemed by the Superintendent, of the magnitude to warrant it, an employee may be dismissed from employment by the Board of Education, after due process. Reasons for suspension or dismissal may be misuse of state property, insubordination, incompetence, willful neglect of duty, reporting for work under the influence of alcohol, narcotics, or other illegal controlled substances, fraud, activities involving conflict of interest and violations of law and/or policy of the state and County Board of Education. Suspension or dismissal may be effective immediately; however, action shall be initiated within ten (10) working days of knowledge of the offence.
- 4.4 State or county agencies that are contractors or grantees of federal contracts or grants amounting to at least \$25,000.00 are subject to suspension of payments and termination of the contract or grant for violations of any of the requirements of the drug-free workplace if they make a false initial certification, or if the number of drug-related conviction of employees indicates that the employees indicates that the employer has not made a good faith effort to maintain a drug-free workplace.
- 4.5 The policy's primary goal is to ensure that alcohol and illegal drug and/or controlled substance use is eliminated in the workplace and that the Barbour County Board of Education workplace is safe, healthful, productive, and secure for its students, employees and citizens. As a condition of employment with the Barbour County Board of Education, employees shall:
- 1) abide by the terms of this policy; compliance is mandatory; and
  - 2) notify their supervisor or department head of any criminal drug statute conviction for a violation occurring in the workplace, no later than 5 days after such conviction; and
  - 3) sign the "Drug-Free Workplace Verification Statement"

Authority: Drug-Free Workplace Act 1988 (P.L. 100-690), West Virginia Constitution Article XII, §2, and W. Va. Code §18-2-5

Adopted: 09/04/90

Revised: 05/28/24; 06/14/10; 08/20/07

BARBOUR COUNTY BOARD OF EDUCATION  
DRUG-FREE WORKPLACE VERIFICATION STATEMENT

NAME \_\_\_\_\_ EMPLOYEE ID NUMBER \_\_\_\_\_

ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_

\_\_\_\_\_

I, (Print full name) \_\_\_\_\_, certify that I have received a copy of the Barbour County Board of Education Drug-Free Workplace Policy.

As an employee of the Barbour County Board of Education, I agree to abide by the Drug-Free Workplace Policy which states that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance and or alcohol is prohibited in the workplace. Additionally, no employee, on duty or off, shall report for work while under the influence of alcohol and/or an illegal drug or have alcohol and/or illegal drugs in his/her possession.

The workplace shall be defined as a worksite where work is performed in connection with the employee's Barbour County Board of Education employment. The workplace shall include facilities, property, buildings, offices, structures, automobiles, trucks, trailers, other vehicles, and parking areas, whether owned or leased by the agency or entity.

The policy is applicable while employees are engaged in any work-related activity which includes performance of agency business during regularly scheduled work days, meal breaks, and/or occasions having a connection with the job or the agency.

In addition, I understand that under federal law and as a condition of employment, if I am convicted of any violation of a criminal drug offense in the workplace, I must report this conviction to my supervisor and the appointing authority within five (5) days of the conviction.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date