

Alcohol, Tobacco, and Drug-Free Workplace

All Bethany Public School District (District) employees must abide by the terms of this administrative regulation as a condition of employment. This administrative regulation is adopted in accordance with state law and the Drug Free Workplace Act.

Alcohol and Drugs**Definitions**

Cannabis means marijuana which includes all parts of a plant or species of the genus cannabis, whether growing or not, and including its seeds and resin; its compounds, manufactures, salts, derivatives, mixtures, and preparations; and cannabimon, cannabimol, cannabidiol (CBD), and similar compounds unless derived from hemp as defined in federal law. The definition of marijuana also includes any product made using hemp, as defined in state law, with more than 0.3% total THC concentration on a dry-weight basis, manufactured cannabinoids, and certain synthetic cannabinoids.

Cannabis product is cannabis in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption.

Cannabis concentrate is any form of concentration extracted from cannabis, such as extracts, oils, tinctures, shatter, and waxes.

Medical marijuana product is cannabis that 1) dispensary facilities and hybrid retailers exclusively sell to qualifying patients and caregivers and 2) the Department of Consumer Protection (DCP) designates on its website as reserved for sale to those individuals.

Manufactured cannabinoid means cannabinoids naturally occurring from a source other than marijuana that are similar in chemical structure or physiological effect to cannabinoids derived from marijuana, but that are derived by a chemical or biological process.

Workplace means the site for the performance of work done, which includes work done in connection with a federal grant. the workplace includes any District building or property; any District-owned vehicle or any other District-approved vehicle used to transport students to and from school or school activities; and off District property during any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction/supervision of the District, which could also include work on a federal grant.

Drug is defined as:

1. **Controlled substances** which includes all forms of narcotics, depressants, stimulants, hallucinogens, steroids, and cannabis (including products made with or infused with these substances) whose sale, purchase, transfer, use, or possession is prohibited or restricted by state or federal law;
2. **Synthetic cannabinoids** which include drugs which are known or advertised as possibly affecting judgment, coordination, or any of the senses, including those which may cause drowsiness or dizziness; and
3. Illegal substances.

Prescription drugs means drugs which are used in the course of medical treatment and have been prescribed and authorized for use by a licensed medical practitioner/physician or dentist, other than marijuana (cannabis) and marijuana-related substances.

Smoking means the burning of a cigarette, cigar, pipe, or other similar device that contains in whole or in part, cannabis, or hemp, in addition to tobacco.

Electronic nicotine delivery system for purposes of this administrative regulation means an electronic device used in the delivery of nicotine or other substances to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, electronic cigarette liquid.

Vapor product means any product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means to produce a vapor that may or may not include nicotine and is inhaled by the product's user.

Under the influence means any noticeable use, any detectable level of drugs or alcohol in the employee's blood or urine, or any noticeable or perceptible impairment of the employee's mental or physical faculties.

Criminal drug statute means any criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance.

I. Prohibited Behavior

To help maintain a drug-free school, community, and workplace, the following conduct is strictly prohibited by all District employees and volunteers. An employee who violates the terms of Board policy or this administrative regulation may be required to successfully complete an appropriate rehabilitation program, may not be renewed or their employment may be suspended or terminated, at the discretion of the Board.

- A. Reporting to work or the workplace under the influence of alcohol, illegal, and/or controlled substances including marijuana (cannabis) and anabolic steroids;
- B. Manufacturing, selling, delivering, soliciting, consuming, using, possessing, or transmitting alcohol in any amount or in any manner on District property or a District workplace at any time while students are under the supervision of the District, or when involved as an employee in a District activity on or off District property;
- C. Unlawfully manufacturing, distributing, dispensing, possessing, or using a controlled substance in a District workplace;
- D. Using the workplace, District property, or the staff member's position within the District to make or traffic alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids;
- E. Using, possessing, or transmitting illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids in a manner that is illegal or which impairs job performance or poses a hazard to the safety and welfare of the employee, the public, the students, or other employees; and

- F. Smoking or other use of tobacco products on District property during regular school hours, on transportation provided by the District, or during the course of any trip sponsored by the District or under the supervision of the District or its authorized agent.

II. Use of Prescription Drugs

- A. Employees are permitted to use prescription drugs on school property, or during the conduct of District business, that have been prescribed by a licensed medical practitioner. Such drugs shall be used only as prescribed. In addition, employees shall not possess prescription drugs for the purpose of sale or distribution.
- B. However, the District, in compliance with Connecticut General Statutes Section 21a-408a through 408q, prohibits the palliative use of marijuana on District property, at a District-sponsored event, or during the conduct of District business. Employees are prohibited from being under the influence of intoxicating substances, including marijuana used for palliative purposes, during the workday.

III. Smoking

- A. The District prohibits smoking, including smoking using an electronic nicotine delivery system (e.g., e-cigarettes), and the use of tobacco products on school property or at any school-sponsored activity. This ban applies to any area of the workplace and outside within twenty-five (25) feet of a doorway, operable window, or air intake vent.
- B. The workplace smoking ban also applies to cannabis, hemp, and e-cigarette use, involving cannabis.
- C. The District will not make accommodations for an employee or be required to allow an employee to perform their duties while under the influence of cannabis or allow the employee to possess, use, or otherwise consume cannabis while performing their employment duties.

IV. Notification Requirements

- A. Any staff member who is taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of their job. If the use of a medication could compromise the safety of the staff member, other staff members, students, or the public, it is the staff member's responsibility to use appropriate personnel procedures (e.g., use leave, request change of duty, or notify their supervisor of potential side effects) to avoid unsafe workplace practices. If a staff member notifies their supervisor that the use of medication could compromise the safe performance of their job, the supervisor, in conjunction with their superior, will determine whether the staff member can remain at work and whether any work restrictions will be necessary.
- B. As a condition of employment, each employee will notify the Superintendent of a conviction under any criminal drug statute. Such notification will be provided no later than five (5) days after such conviction. The District will inform the federal granting agency within ten (10) days of such conviction, regardless of the source of the information.

PERSONNEL – CERTIFIED/NON-CERTIFIED

Regulation 4118.231(d)

Regulation 4218.231(d)

- C. District employees are directed to report any suspected violation of this administrative regulation to an administrator or directly to the Superintendent or designee. The Superintendent or designee will investigate the allegation and meet with the alleged violator.
- D. All employees will be notified of this administrative regulation on a yearly basis and instructed to recognize that compliance is mandated.
- E. This administrative regulation shall be made known to prospective employees prior to employment.

V. Disciplinary Action Upon Violation of Policy

- A. An employee who violates this administrative regulation may be subject to disciplinary action, consistent with applicable state and federal laws, up to and including termination. Enrollment and successful completion of an appropriate drug or alcohol abuse, employee assistance rehabilitation program may be required at the discretion of the Superintendent, at the employee's expense. Nothing in this administrative regulation will be construed to guarantee reinstatement of any employee who violates this administrative regulation, nor does the District incur any financial obligation for treatment or rehabilitation required as a condition of eligibility for reinstatement.
- B. Disciplinary action will include, at a minimum, a letter of reprimand and may include, but is not limited to suspension or termination from employment.
- C. The Superintendent or designee shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within thirty (30) days after receiving notice of the conviction.
- D. Should employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent or designee shall notify the appropriate State or Federal agency from which the District receives contract or grant monies of the employee's conviction within ten (10) days after receiving notice of the conviction.
- E. The District may notify law enforcement agencies regarding a staff member's District deems appropriate.

VI. Employee Assistance

In order to make employees aware of the dangers of drug and alcohol abuse, and to provide an employee with the opportunity for rehabilitation in overcoming addiction to, dependence upon, or other problem with alcohol or drugs, the District will:

- A. provide each employee with a copy of the Alcohol, Tobacco, and Drug-Free Workplace policy and administrative regulation;
- B. post notice of the Alcohol, Tobacco, and Drug-Free Workplace policy and administrative regulation on the District website;
- C. provide information about the District's Employee Assistance Plan;
- D. provide annual awareness training on alcohol, tobacco, and drug use in the workplace.

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Regulation 4118.231(e) Regulation 4218.231(e)

Legal Reference: Public Act 21-1
 21 U.S.C. § 812, C.F.R. 1308.11 to 1308.15
 41 U.S.C. § 701 et. seq.
 41 U.S.C. § 8103
 Public Law 99-570, as amended by Public Law 101-226(199)
 20 U.S.C. § 7101 to 71187, as amended by Title IV – 21st Century Schools
 30 ILCS § 580/1 et. seq.

Regulation adopted: April 8, 2015
Regulation revised: March 1, 2016
Regulation revised: April 15, 2019
Regulation revised: November 15, 2019
Regulation revised: December 9, 2020
Regulation revised: May 11, 2022

Source: CABE