

DRUG-FREE WORK PLACE POLICY

Student and employee safety is a paramount concern to the Spearfish School Board. Employees/volunteers under the influence of alcohol and/or other drugs are a serious risk to themselves, to students and to other employees. Therefore, the school board will not tolerate the unlawful manufacture, use, possession, sale, distribution or being under the influence of alcohol and/or other drugs on school property or at a school event off school property. Additionally, it shall be a violation of this policy for any employee to manufacture, use, possess, sell, distribute or be under the influence of medical cannabis in any manner inconsistent with South Dakota state law. Any employee who violates this policy will be subject to disciplinary action which may include dismissal, and referral for prosecution. Each employee of the district is hereby notified that, as a condition of employment, the employee must abide by the terms of this policy and will report to the superintendent any criminal alcohol and/or drug statute convictions for any alcohol and/or drug violation. Such notification must be made by the employee to the superintendent no later than five (5) days after conviction. Should the affected employee be the superintendent, she/he will report to the Board no later than the next regular meeting of the Board.

Within thirty (30) days after receipt of information concerning an alleged or proven violation(s) of this policy, the district will take appropriate disciplinary action, which may include termination of employment, requiring the employee to participate in alcohol and/or drug abuse assistance or rehabilitation programs and possible referral for prosecution.

The school board recognizes that employees who have an alcohol and/or other drug use/abuse problem should be encouraged to seek professional assistance. An employee who requests assistance shall be provided a listing of the regional treatment facilities or agencies to assist him/her in their choice of service provider.

If there is reason to suspect that a staff member is under the influence of alcohol and/or illegal drugs, the staff member will not be allowed on school property or to participate in school activities. Staff members will be subject to discipline for arriving at school or at a school activity under the influence of alcohol and/or an illegal drug. For the purposes of this policy, "illegal drug" means narcotics, drugs and controlled substances as defined in federal law or state law. "Illegal drugs" also includes any prescription or over-the-counter drug that does not meet the following four criteria:

1. the employee has a current and valid prescription for the drug or the drug is sold over-the-counter;
2. the drug is used or possessed for the purpose for which it was prescribed or sold over-the-counter;
3. the drug is used or possessed at the dosage prescribed or recommended; and
4. the drug is used or possessed consistent with the safe and efficient performance of the employee's job duties.

**Spearfish School District 40-2
4000 Personnel**

Board Policy

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Any staff member who is taking a drug or medication, whether or not prescribed by the staff member's physician, which may adversely affect that staff member's ability to perform work in a safe or productive manner is required to report such use of medication to his or her supervisor. This includes drugs that are known or advertised as possibly affecting judgment, coordination or any of the senses, including those that may cause drowsiness or dizziness.

The Spearfish School Board hereby commits itself to a continuing good faith effort to maintain a drug-free work place.

A copy of this policy shall be given to all present and future employees.

Adopted	<u>June 11, 1990</u>	Reviewed	<u>December 11, 2006</u>
Revised	<u>April 11, 1994</u>	Revised	<u>May 14, 2012</u>
Reviewed	<u>December 14, 1998</u>	Revised	<u>September 13, 2021</u>
Revised	<u>January 12, 2004</u>	Revised	<u>January 9, 2023</u>

Legal Ref: Drug-free Work Place Act of 1988, 34 CFT Part 85, Subpart F