



WINOOSKI SCHOOLS

We are the future.

POLICY #4310
REQUIRED

WINOOSKI SCHOOL DISTRICT POLICY ON ALCOHOL AND DRUG-FREE WORKPLACE

It is the policy of the Winooski School District to maintain a workplace free of alcohol and drugs. No employee, volunteer, work-study student or student teacher will unlawfully manufacture, distribute, dispense, possess or use alcohol or any drug on or in the workplace. Nor shall any employee, volunteer work-study student or student teacher be in the workplace while under the influence of illegal drugs or alcohol. If there are reasonable grounds to believe that an employee, volunteer, work-study student or student teacher is under the influence of illegal drugs or alcohol while on or in the workplace, the person will be immediately removed from the performance of his or her duties.

Definitions

Drug means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by state or federal statute or regulation.i[5]

Workplace means the site for the performance of work for the School District, including any school building or any school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. It also includes off school 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 of the School District.ii[6]

Employee means all persons directly or indirectly compensated by the school district for providing services to the district and all employees of independent contractors who provide services to the district.iii[7]

Volunteer means an individual not employed by the School District who works on an occasional or regular basis in the school setting to assist the staff. This includes but is not limited to volunteer coaches. A volunteer works without compensation or economic benefits. Regular basis is defined as one hour per day or more for a period of four weeks or more.

Work-Study Student means a post secondary student who receives compensation for work performed at a school operated by the district as part of a work experience program sponsored or provided by the college or university at which he or she is enrolled.

Student Teacher means a college student working toward a teacher credential who is placed as a student teacher at a district school by a college or university at which he or she is enrolled. A student teacher is not compensated.

Employee Responsibilities

As a condition of employment, each employee will notify the Superintendent in writing of his or her conviction of any criminal drug statute for a violation occurring on or in the workplace as defined above. The employee must notify the Superintendent no later than five days after such conviction. Entry of a nolo contendere plea shall constitute a conviction for purposes of this policy, as will any judicial finding of guilt or imposition of sentence. Within 10 days of notification from an employee, or receipt of actual notice of an alcohol or drug conviction, the Superintendent will notify any federal or state officers or agencies legally entitled to such notification.iv[8]

An employee, volunteer work-study student or student teacher who violates the terms of this policy may be asked to satisfactorily complete an alcohol or drug abuse assistance or rehabilitation program approved by the Superintendent. In addition, an employee who violates the terms of this policy will be subject to disciplinary action, including but not limited to non-renewal, suspension or termination at the discretion of the Superintendent or, if required, the Board.v[9]

D8 Alcohol and Drug Free Workplace Notes and References

vi[1] Alcohol is not considered a “controlled substance” under federal law. The Drug Free Workplace Act therefore does not require that alcohol be included in an employer’s prohibition of drugs in the workplace. Vermont law does authorize employers to prohibit alcohol possession and/or use of alcohol in the workplace. The Vermont drug testing law defines “drug” broadly, and includes alcohol as a “drug.” 21 V.S.A. §511(3).

PROCEDURES: (also referred to as rules or regulations) are the specific directions that indicate exactly how school personnel and others will carry out the policies adopted by the School Board. Procedures will be developed by the Superintendent in consultation with staff and are attached. Procedures may change more frequently than the underlying policy and do not require adoption by the Board.

Reviewed and Updated:

1st Reading: November 13, 2019

2nd Reading: December 11, 2019

Approved by Board of School Trustees: December 11, 2019

Legal Reference(s): Title 16 § 563 (Power of School Boards)
Title 21 §§ 517 (Employer's Authority)
21 U.S.C. §§ 1521 et. seq. (Drug Free Communication Act)
20 U.S.C. §§ 1701 et. seq. (Safe and Drug-Free Schools and Community Act of 1994)
21 C.F.R §§ 1308.11 – 1308.15

Cross Reference(s): Policy #1340 (Tobacco Prohibition)

PROCEDURES:

1. As a condition of employment, each employee will complete a Winooski School District Security Data Information Sheet (attached).
2. As a condition of employment, each employee must abide by the terms of the school district policy respecting an alcohol and drug free workplace.
3. An employee who violates the terms of this policy will satisfactorily participate in an alcohol or drug abuse assistance or rehabilitation program approved by the board. An employee who fails to satisfactorily participate in such program will be subject to disciplinary action, including but not limited to non-renewal, suspension or termination at the discretion of the board.

The board will take such action in accordance with district policies and regulations as well as applicable state and federal law.

4. The Superintendent will establish an alcohol and drug-free awareness program in the district to include information on the dangers of drug abuse in the workplace, the district's policy on an alcohol and drug free workplace and any alcohol or drug counseling available to employees as well as any available rehabilitation and employee assistance programs. A copy of this policy will be given by the superintendent or his or her designee to each district employee.
5. The superintendent or his designee will conduct a biannual review of the district's student and employee drug prevention programs as required by Drug-Free Schools and Communities Act. The review will determine the effectiveness of the prevention programs and the consistency of the enforcement of disciplinary sanctions. Following each review, required changes will be implemented.

i[5] The Drug Free Workplace Act uses the term “controlled substance” as synonymous with the term “drug.” Controlled substances are listed in the federal law at 21 U.S.C. 812.

ii[6] Definition derived from 41 U.S.C. §706(1).

iii[7] 41 U.S.C. §706(2). See also U.S. Department of Labor Drug –Free Workplace Advisor,

<http://www.dol.gov/elaws/asp/drugfree/policy.htm>. Note that the federal law defines “employee” as one “..directly engaged in the performance of work pursuant to a federal grant or contract, whether or not the employee is paid through grant or contract funds. An employer may expand the coverage of this policy to include all employees, whether or not they are engaged in work pursuant to federal grants.

iv[8] See 41 U.S.C. §702(a)(1)(D).

v[9] See 16 V.S.A. §242(3)(C) for authority of superintendent to dismiss employees subject to due process and other legal requirements.

**WINOOSKI SCHOOL DISTRICT
Security Data Information**

Social Security Number: _____

Last Name: _____ First Name: _____ MI: ____ Suffix (Jr./Sr./III)

Please provide accurate and complete information in response to the following questions. This information will be taken into account the employment process. Do not include in response to any of the questions below: arrests without convictions, convictions or incarcerations for which a record has been sealed or expunged. Please note that a criminal record will not necessarily disqualify you from employment.

1. In the last seven years, have you been convicted or pleaded guilty to a crime or other offense? Include military service convictions or guilty pleas. ____YES ____NO
2. Are you currently on parole, probation, work release program, conditional release or serving a weekend sentence as a result of a conviction or guilty plea? ____YES ____NO

If you answered “yes” to any of the above questions, please provide the following information for each situation. If not please go directly to question number 3 below.

a) The date, place of the offense and charge:

b) The location of the court and the sentence imposed or other disposition of the matter as a result of a conviction or guilty plea:

c) If you have been in prison, the name and location of the facility or facilities in which you served your sentence:

d) Any rehabilitative efforts undertaken while in prison or following release (e.g., education, employment, counseling, etc.):

e) Any other information that you believe is pertinent to our full understanding of this matter:

**WINOOSKI SCHOOL DISTRICT, 60 NORMAND ST., WINOOSKI, VT 05404
PHONE (802) 655-0485 FAX (802) 655-7602 www.wsdvt.org**

3. Are you presently under indictment or are you currently a defendant in any criminal proceeding. If you have answered "yes", please provide the following information: ___YES
___NO

a) The date and place of the occurrence leading to the indictment or pending charge, and the charge:

4. Have you ever had a state license suspended or revoked? ___YES ___NO

a) In what profession was your license suspended or revoked? _____

Please read carefully before signing below:

You are advised that the Winooski School District will request that a report be prepared to verify the information provided above. Your signature below authorizes the District to obtain these reports. Your signature further reflects your understanding that any misrepresentation or deliberate omission of a fact in this Security Data Information will justify terminating consideration of your application or, if employed, terminating your employment.

Signature of Applicant: _____ Date: _____