

**MONTGOMERY
COUNTY
INTERMEDIATE
UNIT #23**

SECTION: EMPLOYEES

TITLE: DRUG AND SUBSTANCE ABUSE

ADOPTED: MAY 26, 2010

REVISED:

351. DRUG AND SUBSTANCE ABUSE	
1. Purpose	<p>The Board recognizes that the misuse of drugs by administrative, professional and support employees is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by drug use by Intermediate Unit employees, especially as the use relates to an employee’s safety, efficiency and productivity.</p> <p>The primary purpose and justification for any action by the Intermediate Unit will be for the protection of the health, safety and welfare of students, staff and school property.</p>
2. Definitions 35 P.S. Sec. 780-101 et seq	Drugs – shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.
41 U.S.C. Sec. 706	Conviction – a finding of guilt, including a plea of nolo contendere, imposition of sentence, or both by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statute.
41 U.S.C. Sec. 706	Criminal Drug Statute – a federal or state criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.
41 U.S.C. Sec. 706	Drug-free Workplace – the site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.
3. Authority 41 U.S.C. Sec. 702	The Board requires that each administrative, professional and support employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy and notify the Intermediate Unit of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
SC 527	Any employee convicted of delivery of or possession of a controlled substance with the intent to deliver shall be terminated from his/her employment with the Intermediate Unit.

<p>4. Delegation of Responsibility 41 U.S.C. Sec. 702, 703</p> <p>41 U.S.C. Sec. 702</p> <p>41 U.S.C. Sec. 702, 703</p> <p>41 U.S.C. Sec. 702</p>	<p>A Statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the employee’s workplace shall be provided by the Executive Director or designee and shall specify the actions that will be taken against the employee for violation of this policy, up to and including termination and referral for prosecution.</p> <p>Within ten (10) days after receiving notice of the conviction of an Intermediate Unit employee, the Intermediate Unit shall notify any federal agency or department that is the grantor of funds to the Intermediate Unit.</p> <p>The Intermediate Unit shall take appropriate personnel action within thirty (30) days of receiving notice against any convicted employee, up to and including termination, or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.</p> <p>In establishing a drug-free awareness program, the Executive Director or designee shall inform employees about:</p> <ol style="list-style-type: none"> 1. Dangers of drug abuse in the workplace. 2. Board’s policy of maintaining a drug-free workplace. 3. Availability of drug counseling, drug rehabilitation, and employee assistance programs. 4. Penalties that may be imposed for drug abuse violations occurring in the workplace. <p>The Intermediate Unit shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.</p> <p>References:</p> <p>School Code – 24 P.S. Sec. 527</p> <p>PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-101 et seq.</p> <p>Drug-Free Workplace Act – 41 U.S.C. Sec. 701 et seq.</p> <p>Board Policy – 317</p>
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