

1 Joint School District No. 2, Meridian
2 Meridian Technical Charter High School, Inc. has adopted West Ada's (Joint School District No. 2) policy.
3 STAFF PERSONNEL

4
5 Series 400

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7 Policy Title Employee alcohol & other drugs Code No. 403.70

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9 Employees are prohibited from using, possessing, distributing, dispensing, or manufacturing
10 illegal drugs, paraphernalia, or alcohol on any school premises or at any school activity.
11 Employees are further prohibited from being under the influence of illegal drugs or alcohol on any
12 school premises or at any school activity. The use of legal or prescribed drugs is permitted on
13 the job only if it does not impair an employee's ability to perform the essential functions of the job
14 effectively and in a safe manner that does not endanger other individuals in the workplace.

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16 Definitions:

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18 1. **Use:** The use, possession or distribution of illegal drugs or the abusive use of other
19 drugs, or the use of alcohol on any school premises, or district property during contract
20 hours or at any school activity (see definition, 9).
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22 2. **Possession:** To have alcohol or other illegal drugs other than as prescribed to the
23 employee by a medical doctor on the employee's person or within an area of the
24 employee's control including but not limited to car, locker, and clothing at the work place.
25
26 3. **Distribution:** To share and/or sell alcohol or other dangerous drugs to other persons at
27 the work place. This includes, but is not limited to, illegal drugs and alcohol but also the
28 sharing of prescription medications with an individual(s) to whom the medication was not
29 prescribed by a medical doctor."
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31 4. **Illegal Drugs:** Any controlled substances defined by Idaho Code Section 37-2701 or any
32 other substance, including prescription drugs, which is used to alter or change the mood
33 cognition, comprehension or functioning capacity of an individual, anabolic steroids, or
34 any other performance enhancement drug. The term "illegal drugs" does not include over
35 the counter drugs or drugs prescribed by a doctor or dentist specifically for the person in
36 possession of those drugs when used as prescribed.
37
38 5. **Under the influence:** This definition covers not only all well-known and easily
39 recognized conditions and degrees of intoxication but any abnormal mental or physical
40 condition which is the result of indulging to any degree in unlawful alcohol, illegal drugs,
41 or the abuse of prescribed drugs, and which tends to deprive one of that clarity of intellect
42 and control of himself/herself which is/she would otherwise possess. This definition is not
43 intended to represent the legal definition of a certain percentage of blood content or BAC,
44 but rather is intended and interpreted in the layman's term.
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46 6. **Unlawful Alcohol:** Any alcoholic beverage as defined by Idaho Code 23-105 and 23-
47 1001.
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49 7. **Unlawful Alcohol Use:** The use, possession or distribution of alcohol on any school
50 premises or at any school activity.
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52 8. **Violations:** The commission of an act of illegal drug use, abuse of a legally prescribed
53 drug or unlawful alcohol use by a district employee. Positive evidence that the employee
54 is involved in use, possession, or distribution of alcohol or other drugs. Having alcohol on
55 one's breath is not appropriate in the work place or at school-sponsored activities and will
56 support evidence of use or being under the influence.

57 9. **District Property/dual-enrolled programs:** Includes all buildings, facilities, and
 58 property owned or leased by, Joint School District No. 2, including school buses, other
 59 school vehicles, or the location of any school- sponsored activity or function whether an
 60 employee is supervising or attending on their personal time. In addition, district property
 61 is defined as any dual-enrollment setting that includes, but is not limited to, Meridian
 62 Professional Technical Center, Meridian Night School, Meridian District high school and
 63 middle school summer school, Treasure Valley Math and Science, and the Dehryl Dennis
 64 Center.

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66 **Disciplinary Action**

67 Any employee who violates the terms of the district’s drug and alcohol policy may be subject
 68 to disciplinary action including, but not limited to, discharge, suspension, and/or referral for
 69 drug and alcohol abuse evaluation and rehabilitation at the discretion of the board.

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71 Notwithstanding the above paragraph, a district bus driver or anyone charged with driving a
 72 district-owned vehicle will be suspended from all duties pending investigation when
 73 reasonable suspicion exists that the driver may be under the influence of illegal drugs or
 74 alcohol. Moreover, it is district policy to conduct random drug/alcohol screening of all CDL
 75 qualified personnel who drive district vehicles as a condition of employment. A positive drug
 76 test will be considered as proof of being under the influence. Drivers who use or who are
 77 under the influence of alcohol or illegal drugs as defined by this policy will be terminated and
 78 the board or designee will recommend license revocation to the Idaho Department of
 79 Transportation.

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81 FIRST OFFENSE

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83 If an employee violates this policy, with the exception of those listed above, the employee will
 84 be suspended from work for three (3) days without pay. Additionally, if it is determined that
 85 the violation was detrimental to the health and safety of school personnel or students, or
 86 resulted in the employee being unable to perform job duties, the employee may be
 87 terminated.

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89 The District will support the EAP in such a manner that assessment, counseling, and referral
 90 services are available for any/all employees subject to a mandatory referral for a first violation
 91 of this policy. However, if the employee does not qualify for the EAP because of waived
 92 benefits, they must, before returning to work, agree to have a drug and alcohol assessment
 93 provided at a state approved alcohol/drug agency in the community and conducted by a
 94 certified alcoholism/drug abuse counselor, at the employee’s expense. The employee must
 95 agree to follow the recommendations of the counselor, and is responsible for providing the
 96 District notice of their activities in meeting these responsibilities as well as the
 97 recommendations; this notice will be confidential under HIPAA. If it is determined that the
 98 employee is not following the treatment recommendations, the employee will be terminated.

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100 In the event that the health, welfare, and safety of students, employees, volunteers or visitors
 101 has been adversely affected by the employee’s offense, the employee will be immediately
 102 terminated.

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104 SECOND OFFENSE

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106 When an employee violates the policy for a second time, the employee will be terminated.

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109 Date of Revision:
110 08/11/09; 08/17/10

Legal Reference: Code of Idaho