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Regulation 4218 SUBSTANCE ABUSE

Procedures

A. Basic procedures to be used when an employee is suspected of having a dependency upon or illegal use of a controlled dangerous substance.

1. The employee's behavior shall be observed and documented by concerned staff. Such behavior as poor working performance, negative personality changes, and poor attendance could be symptomatic of a substance abuse problem. The concerned staff member shall make this report to the building principal or designee of the principal, supervisor of that area (maintenance, food services, etc.), the school physician (school medical inspector), or the school nurse.
2. The school physician (school medical inspector) or the school nurse shall notify the building principal or the designee of the principal, upon receiving any such report(s). The principal will notify the Superintendent of any such report(s). The principal or area supervisor and Superintendent, and school nurse when appropriate, will discuss their concern for the employee's health and performance to determine if further pursuance is appropriate and necessary.
3. The principal/area supervisor or school nurse, as determined by the superintendent, shall discuss the suspected behavior with the employee as to the extent of the problem. The Superintendent shall keep accurate and detailed official written records of all incidents related to suspected substance abuse.
4. If the suspected dependency or use is confirmed, the employee shall be required to obtain professional counseling or complete an appropriate rehabilitation program.

If necessary, an immediate leave of absence may be granted to the employee by the superintendent. The school nurse will recommend at least two certified counseling agencies or a rehabilitation program to the superintendent.

B. Procedures to be followed when an employee confides to a colleague or administrator that he/she has a substance abuse problem:

1. The employee shall encourage the employee to seek help.
2. The employee shall report the concern about the potential substance abuse problem to the building principal or supervisor.
3. The school physician or the school nurse must report the substance abuse problem to the principal or area supervisor. The principal or area supervisor will then follow ¶C2 of this regulation.

C. Procedures to be followed when an employee is suspected of being under the influence of a substance during working hours:

1. Whenever it appears to any teaching staff member, or any other employee of the school district that an employee may be under the influence of a controlled dangerous substance as defined by the New Jersey Statutes, or any chemical (including alcohol/anabolic steroids) or chemical compound which releases vapor or fumes causing condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, this situation shall be immediately reported to the principal or area supervisor (in cases of maintenance, food services, etc.), the school physician, or the school nurse.

2. The school physician or school nurse shall notify the principal when they receive a report. The principal shall:

a. Notify the superintendent of schools.

b. Arrange for the immediate examination of the employee by the school physician or a physician selected by the employee, or if such physician is not immediately available, then arrange transportation to the local hospital. The employee shall be accompanied to the physician or emergency room by a member of the school staff designated by the building principal and/or the superintendent.

c. A report shall be requested from the examining physician which shall set forth whether or not the employee is under the influence of a controlled dangerous substance, or any chemical, which includes alcohol, anabolic steroids, or chemical compound. This test must be made within 24 hours of the initial report made by the principal or area supervisor.

d. The employee shall not be permitted to resume work until he/she has submitted to the building principal or area supervisor a written report from his/her personal physician or the physician who initially examined him/her certifying that he/she is physically and mentally able to return to work.

e. If the report indicates a positive diagnosis, a Violence, Vandalism, and Substance Abuse Incident Report shall be completed by the principal.

f. If the report indicates a positive diagnosis, the following sanctions apply:

First offense: The employee must report to an outside certified agency for counseling for three required sessions. A report from the agency must be submitted to the superintendent within one week after the third counseling session. A warning letter from the superintendent will be placed in the employee's personnel folder.

Second offense: The employee must report to an outside certified agency for counseling for five sessions. A report from the agency must be submitted to the superintendent within one week after the fifth counseling session. A letter of reprimand will be placed in the employee's personnel folder advising him/her that a third incident will result in a suspension without pay and a loss of an increment for the following year.

Third offense: The employee must enroll in a certified rehabilitation program. A letter must be sent to the superintendent at the conclusion of the treatment programs. Also, the employee will be suspended for a week without pay and lose his/her increment the following year.

Fourth offense: The employee will have a hearing before the Board in which a decision will be rendered by the Board relating to the continued employment of the employee.

g. If the employee is suspected of substance abuse or use and, in the judgment of the Board of Education, and/or its agents, shows evidence of deviation from normal, physical or mental health, the Board may require the employee to undergo a physical examination in accordance with N.J.S.A. 18A:16-2, 18A:16-3 and N.J.A.C. 6:29-7.4(f). An employee who fails to comply with this requirement shall be subject to discipline.

(1) The employee may have the option of being examined by one of four district certified Breath Alcohol Techs (Superintendent of Maintenance, Coordinator and Assistant Coordinator of Transportation and the Supervisor of Health Services) with the use of the Intoxilizer 5000, utilizing DOT certified standards for testing for alcohol.

(2) If the employee refuses to be examined for suspected substance abuse, the supervisor will notify the superintendent immediately, or in his/her absence, his/her designee. The Superintendent or designee shall request the school employee leave the school premises immediately. If the school employee refuses to leave the school premises when required, the appropriate law enforcement agency will be called and a police report will be filed.

D. Procedures to be followed when an employee is found in possession of, and/or selling/distributing alcohol, anabolic steroids, and/or a controlled dangerous substance as defined by New Jersey Statutes and/or Codes.

1. A report will be immediately filed with the appropriate law enforcement agency if any employee is found to be using, be in possession of, or selling illicit drugs, alcohol, or anabolic steroids on the school's premises or as part of any school function.

2. If in the course of any investigation by the appropriate law enforcement agency, an employee is arrested by the police, he/she will be immediately suspended from work with pay until a Board hearing can be arranged for further disciplinary action.

3. Should the employee be found guilty of a criminal offense, he/she will have a Board hearing at which time the Board will render a decision regarding disciplinary action.

He/she may be suspended without pay, lose an increment, be required to attend a rehabilitation program, or be terminated from employment.

E. Any school staff member(s) who in good faith reports an employee to the principal or the school medical inspector or the school nurse in an attempt to help such person cure his/her dependency upon or illegal use of controlled dangerous substance(s) as defined by N.J.S.A. 2A:170-25-9 and N.J.S.A. 24:21-2 shall not be liable in civil damages as a result of making any such report as specified in N.J.S.A. 2A:62A-4. Alcohol and anabolic steroids are not listed as a controlled, dangerous substance by statute or code.

N.J.S.A. 2C:33-15 et seq.

N.J.S.A. 24:21-2 et seq.

42 C.F.R. II

34 C.F.R. 85.600 et seq.

20 U.S.C.A. 1145g, 3224a

41 U.S.C.A. 701 et seq.

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