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## **BSD Policy B3**

# **BURLINGTON SCHOOL DISTRICT POLICY**

## **CODE B3: ALCOHOL AND DRUG-FREE WORKPLACE**

### **Former Policy D5R**

#### **Policy**

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

#### **Definitions**

- 1. Drug** means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by state or federal statute or regulation.
- 2. 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.
- 3. 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.
- 4. 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. A volunteer works without compensation or economic benefits provided by the school district.
- 5. Work Study Student** means a student who receives compensation for work performed at the school as part of a college work experience program. For purposes of this policy, an intern, working without pay, will be considered as a work study student.
- 6. Student Teacher** means a college student working toward a teaching credential who may be placed at a school.

#### **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.

An employee who violates the terms of this policy may be required to satisfactorily complete an alcohol or drug recovery, substance use, and treatment program approved by the superintendent.

In addition, an employee who violates the terms of this policy will be subject to disciplinary action.

### **Volunteer, Work-Study Student, Student Teacher Responsibilities**

A volunteer, work-study student, or student teacher 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 volunteer, work-study student, or student teacher 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 a volunteer, work-study student, or student teacher, 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.

A volunteer, work study student, or student teacher who violates the terms of this policy may be required to satisfactorily complete an alcohol or drug recovery, substance use, and treatment program approved by the superintendent.

In addition, a volunteer, work-study student, or student teacher who violates the terms of this policy may no longer be allowed to act as a volunteer, work-study student, or student teacher in the district.

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<i>Legal Reference(s):</i>	<i>49 U.S.C. §§ 5331, 31306 (Omnibus Transportation Employee Testing Act of 1991) 49 C.F.R. Parts 40, 382, 391, 392, 395 and 653 21 V.S.A. §§ 511 et seq.; 18 V.S.A. § 4230a; 18 V.S.A. § 4474c</i>
<i>Cross Reference:</i>	<i>Replaces former policies D5R (2011), GBEB</i>