

SCHOOL BOARD ADMINISTRATIVE RULE
School District of Holmen
Holmen, WI 54636

FILE: 522.1
PERSONNEL

DRUG-FREE WORKPLACE

Philosophical Foundation:

The School District of Holmen is dedicated to providing a healthy, safe, comfortable, and productive environment for staff, students and the general public. Toward this goal, the following are expressly forbidden of all school district employees while on or in school property, in a school owned or contracted vehicle, or while participating at a school-sponsored activity:

- a) illegal manufacturing, distributing (including sales), dispensing, possessing or using of: controlled substances, controlled substance analogs, designer drugs, look-alike drugs, drug paraphernalia;
- b) using inhalants for the purpose of altering one's state of mind;
- c) possessing, manufacturing or distributing (including sales) of alcoholic beverages or look-alike alcoholic beverages;
- d) being under the influence of alcohol or a controlled substance that impairs one's ability to do one's job.
- e) the use of marijuana and/or products containing tetrahydrocannabinols (THC), other than products expressly excluded from the definition of a schedule drug (hemp-derived CBD oil, etc.), is still prohibited under Wisconsin law and Board policy. Use of such products even in states which have passed state laws permitting usage is still unlawful under Federal law and Wisconsin law and is not an exception to the drug-free workplace policy.

Administrative Rule Provisions:

All employees shall be expected to abide by provisions of this administrative rule. In addition, since the District is the recipient of federal funding, as a condition of employment individual employees are required to notify the district administrator within five (5) days if they are convicted of a criminal controlled-drug statute violation occurring in the workplace. Failure by an employee to report such a conviction may be ground for disciplinary action. The District Administrator shall notify the appropriate federal agency of the conviction.

Any employee who violates this administrative rule shall be subject to disciplinary action up to and including termination of employment and referral for prosecution in accordance with provisions of the current employee agreement or other procedures established by the Board. Law enforcement may also be contacted at the discretion of the District Administrator.

Disciplinary action may result from conduct related to drug and alcohol usage even on the staff member's personal time if the circumstances create a connection to or nexus with the staff member's role with the District. Disciplinary action may result if a staff member's conduct involves the depiction of the staff member engaging in use of alcohol or drugs on social media or other outlets in a fashion that tends to provoke public scrutiny, damage the staff member's credibility, depict inappropriate involvement of minors, or in some fashion diminish the staff member's ability to safely and effectively perform his/ her duties. If the District administration becomes aware of such circumstances, it will investigate the matter even though the events occurred on one's personal time and not on District property or at a District event.

The District makes available resources to assist staff members in overcoming alcohol, illegal drug use, or controlled substance abuse. However, the decision to seek diagnosis and accept treatment for alcohol,

illegal drug use, or controlled substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

Prescription medication being taken by the individual, for whom it was prescribed, in the manner and amount prescribed, is exempt from this provision. However, employees who must use an over-the-counter or prescription drug that affects their ability to work in a safe and productive manner shall use reasonable judgment in notifying their supervisor prior to beginning work after such a drug has been prescribed. The employer after proper inquiry shall provide reasonable accommodations under the ADA.

1) Definitions:

- "Inhalants" inhalants are ordinary household products that are inhaled or sniffed to get high. Examples of inhalants include, but are not limited to: glue, nail polish remover, paint, or cleaning fluid.
- "Dispensing," means to deliver.
- "Drugs" are all controlled substances, prescription drugs and narcotics as defined by state law (450.01(10)).
- "Drug Paraphernalia" is as defined by state law (961.571(1)(a)).
- "Look-alike Drugs" are defined as a substance that has the appearance of a drug, including alcohol. An example is non-alcoholic beer.
- "Being Under the Influence," means having any amount of alcohol or a controlled substance in one's body system.
- "Designer Drugs" are drugs created by changing the molecular structure of an existing drug or drugs to create a new substance, for example Ecstasy.
- "Controlled Substance" has a defined statutory listing of dangerous drugs (961.01(4)).
- "Controlled Substance Analog" means a substance with a chemical structure similar to the chemical structure of a controlled substance and which has, or a particular individual intends to have, a stimulant, depressant, narcotic or hallucinogenic effect similar to the effect a controlled substance does (961.01(4m)).
- Aids or abets includes activities such as acting as a lookout or giving verbal warnings.

2) When there is a violation or suspected violation of this administrative rule, the following guidelines shall be used:

Administrative Guidelines:

- A. If an administrator has knowledge of or suspects that an employee is in violation of this administrative rule, he/she or his/her designee shall immediately investigate the incident.
- B. If an administrator finds that an employee is currently in violation of the administrative rule, the employee shall be removed from the work place.
- C. Notify the district administrator and follow-up with written documentation.
- D. Determine disciplinary consequences.

Legal Ref: Wisconsin State Statute Sections:
450.01(10) Definitions: "Drug"
961.571(1)(a) Definitions: "Drug paraphernalia"
961.01(4) Definitions: "Controlled substance"
Title 21 United States Code (USC) Controlled Substances Act 1970, IIB Section 812:
Schedules of Controlled Substances
Title 21 Code of Federal Regulations (CFR) Food and Drugs, Part 1300: Definitions
Title 2 Code of Federal Regulations (CFR): Grants and Agreements, Part 3485:
Nonprocurement Department and Suspension

Drug-Free Workplace Act of 1988, 41 U.S.C. 8101 et seq.

Cross Ref.: 523.3, Employee Assistance Program
Employee Handbook

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