

# PERSONNEL

## Drug Free Policy

**5700**

Educational Service Unit 2 is committed to providing an employment environment that is safe and provides appropriate motivation to ensure a creative and productive work force. To this end, ESU 2 unequivocally endorses the philosophy that the workplace should be free from the detrimental effects of illicit drugs and alcohol.

It is unlawful and, therefore, absolutely prohibited for any employee of ESU 2 to engage in the unlawful possession, use, or distribution of illicit drugs on ESU 2 premises, the schools that it serves, or as a part of any school or unit activities.

### DEFINITIONS

As used in this policy, prohibition against the unlawful possession, use, or distribution of illicit drugs shall mean: The possession, use, or distribution of any substance which is declared by the State of Nebraska or any other applicable law to be an illicit substance.

As used herein, the terms "ESU 2 premises" and "school premises" shall mean any property whether owned, leased, or in other manner under the control of the Board of ESU 2 or the Board of Education of the School District.

As used herein, the phrase "as a part of any ESU 2 or school activities" shall mean any activity or enterprise carried out in whole or in part under the auspices of ESU 2 or a district served.

ESU activities is not meant to include activities such as local, state, or national meetings, or conferences which ESU employees may attend in an official capacity, or other such activities as the board would determine do not fit within the definition of ESU activities.

### PROCEDURES

1. All employees will receive a copy of this policy.
2. Each employee will acknowledge receipt of this policy and will sign a form acknowledging receipt. Serious sanctions can and will be taken against an employee, including termination and referral for prosecution for any failure to comply with the above-stated standards; this policy is adopted pursuant to P.L. 101-226, 34 C.F.R., Part 86, and other applicable statutes. As a reminder, failure to comply with these requirements may put the receipt of federal funds in jeopardy.
3. In the event the employee does not understand the terms and conditions of this policy, it shall be the duty of the employee to ask for clarification at the time this policy is distributed. If no questions are asked, it shall be the legal position of the ESU to presume that the employee has understood and will abide by this policy.
4. In the event of any policy non-compliance, it shall be the duty of the Administrator or designee to inform any employee not in compliance about any drug counseling and rehabilitation programs available to employees.
5. It shall be the policy of ESU 2 to require the Administrator to keep statistical reports of all violation of this policy. The Administrator shall at least annually provide a report to the Board of Education consisting of at least the following:
  - a. The date and nature of any incidents
  - b. The nature of any sanction carried out against any employee
  - c. A brief description of any treatment, counseling, or rehabilitation that any employee participated in and if participation voluntary or involuntary.

6. Sanctions which may be taken against an employee for non-compliance with this policy may be any one or more of the following:
- An oral or written reprimand.
  - Suspension with or without pay.
  - Termination, Cancellation, or Non-renewal of employment.
  - Referral to appropriate authorities for criminal prosecution.
  - Mandatory enrollment in in-patient care or otherwise as a term and condition to any continuing employment by the ESU.
  - Mandatory enrollment in any training programs that are or may be provided by ESU 2 or others relating to any of the activities prohibited by this policy. Such enrollment shall be at the expense of the employee.
7. Disciplinary action sought to be imposed by the Unit Administrator or designee shall be carried out in accordance with the established policies of the Unit. However, nothing in this policy shall be construed to vest any right in any employee beyond that required by law and the manner in which each case shall be handled shall be in the sole discretion of the Unit Administrator or designee.
8. Conviction of an employee of the Unit of any criminal statute relating to this policy may result in disciplinary action being taken. When such conviction shall come to the attention of the Administrator or others at the Unit, any employee convicted as above described may be disciplined as described above.
9. As an alternative to discipline or as a concurrent requirement to the disciplinary action the Administrator or designee may require the employee to successfully finish a drug abuse program. As used herein, the term "drug abuse program" shall mean a drug abuse program sponsored by an approved institution.
- The Administrator or designee may require the employee to provide written documentation that the employee has successfully finished such program. If aftercare is recommended by such institution, the employee will enroll in such aftercare program and to participate in a manner satisfactory to the provider. The Administrator or designee may require on-going reporting of such participation as a term and condition of continuing employment by such employee at the Unit.
10. It shall be the policy of the Unit to require an employee who has been charged or convicted of a violation of any statute to report such charge or conviction to the Administrator or designee. Any information received pursuant to this policy may be used in any lawful manner. Any employee having concerns about an admission hereunder constituting self-incrimination shall bear the burden of seeking his or her own legal advice regarding any such potential self-incrimination.

Date of Adoption:

06-17-2002

Date of Revision:

1/18/2016