

Regulation GBEC

Las Cruces Public Schools

Related Entries: GBEC, ADC, ADC-R, JICH, JICH-R

Responsible Office: Associate Superintendent for Human Resource Development

Drug/Alcohol-Free Workplace

I. PURPOSE

To set forth the procedures for implementing a drug and alcohol-free workplace for all employees within the Las Cruces school district.

II. PROCESS

- A. Reasonable suspicion may arise from supervisory observation, co-worker reports or complaints, performance duties, attendance of behavioral changes and/or vehicular accident indicating a possible error in judgment or negligence. Suspicion should be observations that a supervisor can articulate concerning appearance and/or behavior.
- B. An employee shall be required to undergo drug/alcohol screening/testing if there is reasonable suspicion that the employee's alcohol and/or drug use could impair job performance and/or affect safety of the employee, other staff or students.
- C. When appropriate, the District reserves the right to search all areas of the work site, personal articles at the work site and vehicle on school grounds. A site supervisor will conduct searches with assistance from the LCPS Coordinator of Safety & Security.
- D. If an employee violates this policy, the actions to be taken are described in this Regulation. Supervisors are required to document each step:
 - 1. STEP 1: Remove the employee from the work area. The employee will not be allowed to leave the work area without supervision. In fitness for duty incidents, the HR designee is responsible for ensuring that the employee is taken to a test facility. If the employee refused the transportation and attempts to drive, the supervisor will notify local law enforcement. If at this time, the employee is deemed to be incapacitated, then arrangements will be made for transportation home.
 - 2. STEP 2: A conference with the employee and the Associate Superintendent for Human Resource Development, or his/her designee, will be held. The employee may choose to be accompanied by a representative.

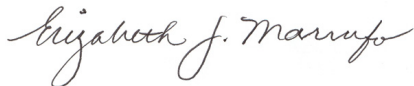
3. STEP 3: The employee may be placed on administrative leave while:
 - a. An investigation of the circumstances is conducted and testing is completed. Human Resources will direct the employee to the designated medical facility for immediate testing to determine if suspicion is confirmed. A Human Resources designee will escort the employee to the medical testing facility. Testing safeguards will be in affect including an observed test. If the test is tampered with, the employee will be required to submit to a second test immediately. This second test may be at the employee's expense. If the employee refuses the test, the Human Resources Department designee will remind the employee orally that refusal may lead to further disciplinary action up to and including termination.
 - b. If the results of the drug/alcohol test are positive, the employee will make an appointment within 48 hours to meet with the Employee Assistance Program (EAP) coordinator. The EAP Coordinator may make a referral for the employee to a Health Care Provider (HCP) who will monitor the employee's health. This may be done at the employee's expense.
 - c. A positive result or refusal to submit to a drug/alcohol screening, refusal of a search and/or refusal to make an appointment with the EAP and/or failure to comply with all the EAP compliance procedures will be considered insubordination and will result in a disciplinary action, up to and including termination.
4. STEP 4: A second conference will be held with the employee, the supervisor, the Associate Superintendent for Human Resource Development or his/her designee, and the EAP Coordinator. Final disposition of the situation will depend upon the outcome of the conference and may include, but not be limited to:
 - a. An opportunity for the employee to provide an explanation of the positive results
 - b. Consideration of the following prior to taking disciplinary action:
 - i. School safety of children;
 - ii. Job safety of others;
 - iii. Employee willingness to seek assistance;
 - iv. Suspension without pay.
5. STEP 5: Documentation will be kept as follows:
 - a. Drug/alcohol testing documentation will be kept in a separate

file from the official Human Resources Personnel File.

- b. Disciplinary letters or memorandums addressed to the employee outlining disciplinary procedures will be placed in the personnel file.
- c. Upon return or completion of treatment, the employee will contact the Human Resources Department for an appointment with an HR administrator. A letter with specific directives for future expectations, including whether further disciplinary action including termination, will be taken.

E. Tobacco-Free

Employees violating the tobacco-free policy will be subject to further disciplinary action as deemed appropriate by the immediate supervisor. The use of tobacco-less products (e-cigarettes, vapor cigarettes, etc.) is not allowed on any LCPS campus or property.



Associate Superintendent for Human Resource Development

November 3, 2014

Date Approved

History: Revised 11.22.95; 10.17.00; 09.01; 02.03; formerly Procedures #206; revised Aug. 2014; revised 11.3.14
Legal Reference: