

## **Riverside Leadership Academy: Drug and Alcohol-Free Workplace Policy**

- I. Purpose:** The purpose of this policy is to ensure a safe, legal, and drug-free school environment, protect the well-being of employees and students, and promote a workplace that fosters responsibility, professionalism, and high standards of conduct.
- II. Applicability:** This policy applies to all school employees of before, during, and after school hours in the following circumstances:
  - While on any property owned or leased by the Board or at any school-sponsored event.
  - At any time when acting within the course and scope of employment
  - When a policy violation directly and adversely affects job performance

This policy does **not** apply to the consumption of alcohol at authorized receptions or similar functions occurring outside regular work hours, where attendance is required or permitted as part of an employee's duties. Independent contractors, volunteers, and visitors must comply with this policy while on school property or at school-sponsored events. This policy will be enforced consistently with all applicable laws governing drug and alcohol use in the workplace.

- II. Prohibited Conduct:** Employees shall not engage in any drug- or alcohol-related conduct that could compromise school safety, integrity, or operations (collectively, "school threat"). The following actions, without limitation, are expressly prohibited at all times when this policy is applicable:
  1. Possession, use, sale, distribution, manufacture, or being under the influence of illegal drugs, counterfeit substances, alcohol, or any controlled substance classified under:
    - Schedules I–VI of the North Carolina Controlled Substances Act
    - Schedules I–V of the federal Controlled Substances Act ([21 U.S.C. 812](#)) and related regulations ([21 C.F.R. 1300.01–1308.15](#))
  2. Possession, use, sale, or distribution of any substance containing cannabidiol (CBD), tetrahydrocannabinol (THC), or other products with similar effects regardless of legal status under state or federal law.
  3. Impairment due to substances that induce exhilaration, euphoria, or altered mood/behavior in a manner that poses a school threat, including excessive use of prescription or over-the-counter drugs.
  4. Use or possession of alcohol or drugs while on duty or in any manner that negatively affects, or is likely to negatively affect, job performance.
  5. Operation of a vehicle under the influence of alcohol or drugs while performing job duties.
  6. Refusing to comply with a reasonable request for drug or alcohol testing based on observable signs of impairment.
  7. Conviction, plea of no contest, or receipt of prayer for judgment for any drug- or alcohol-related criminal charge under state or federal law.

8. Engaging in any conduct prohibited by federal law, including violations of [49 C.F.R. Part 382](#) or other applicable regulations concerning drug and alcohol use.

This policy does **not** prohibit the lawful possession and proper use of medication prescribed specifically to the employee by a licensed healthcare provider. However, employees are responsible for ensuring that such medication does not impair their ability to perform their duties without causing a school threat.

### III. Drug Testing

- A. **Pre-Employment Drug Testing:** As a condition of employment, all prospective employees whose job responsibilities include the operation of a commercial vehicle for the school are required to undergo pre-employment drug testing.

This includes anyone who will regularly or intermittently drive a school bus, an activity bus, a vehicle designed to transport 16 or more people (including the driver), or any other vehicle that meets the definition of commercial motor vehicle under [49 C.F.R. 382.107](#). Employees who operate vehicles for inspection, service, or maintenance purposes are included in this definition. Employment offers may be contingent upon the successful completion of this drug test.

Failure to pass the test or refusal to submit to testing could result in withdrawal of an employment offer.

- B. **Random Drug Testing:** All school employees whose job responsibilities include the operation of a commercial vehicle may be subject to random drug testing. The selection of employees for random testing will be conducted on a fair and reasonable basis, such as a computer-generated random selection process. The frequency of random testing will be determined by the Executive Director (or designee) within the bounds of the law.

- C. **Suspicion-Based Drug Testing:** The School reserves the right to require drug and/or alcohol testing when a supervisor or authorized school official has reasonable suspicion that an employee is in violation of this policy. Reasonable suspicion must be based on specific observations concerning an employee's physical appearance, behavior, speech, or work performance. These observations must be made by a supervisor, other designated officials, and reasonably by any other credible sources.

The employee will be notified and escorted to the designated collection site for testing, which will be conducted within two hours of notification whenever feasible. Drug testing will be performed using a urine sample, while alcohol testing will be conducted using a breath alcohol test. Employees may request a blood alcohol test, but the request must be made at the time of notification.

All testing will be conducted by a trained and approved collection agency that adheres to proper chain-of-custody procedures to ensure accuracy, confidentiality, and compliance with applicable laws. The school will cover the cost of any required employee testing.

- IV. Searches:** Employees may be subject to a search of their person, belongings, or school property under their control if there is reasonable suspicion of a policy violation. Employees who refuse to submit to a drug or alcohol test or a search after reasonable suspicion is established may be immediately suspended, pending possible employment termination.
- V. Test Results:** Test results will be confidentially reported to the Executive Director (or designee). If a test result is positive, the employee has the right to request a second test of the original specimen, which may be at the employee's expense. In the case of an alcohol test, a second test must be conducted within 15 minutes of the initial test.
- VI. Duty to Report:** An employee must notify the Executive Director (or designee) in writing of any arrest, charge, or conviction under any criminal drug statute. Notification must be given no later than the next scheduled business day after such arrest, charge, or conviction unless the employee is hospitalized or incarcerated, in which case the employee must report the alleged violation within 24 hours after their release. The notification must be given before the employee returns to work. "Conviction" as used in this policy includes the entry in a court of law or military tribunal of: (1) a plea of guilty, *nolo contendere*, no contest, or the equivalent; (2) a verdict or finding of guilty; or (3) a prayer for judgment continued ("PJC") or a deferred prosecution.
- VII. Consequences:** A test will be considered positive, and the employee may face disciplinary action up to and including termination, if the employee:
- Tests positive for any illegal drug or have a blood alcohol level of 0.04 or higher.
  - Refuses to submit to testing or fail to cooperate with test collectors.
  - Interferes with or fail to comply with the testing process.

Employees who violate this policy will be subject to disciplinary action, which may include non-renewal or termination of employment. In some cases, the employee may be required to successfully complete a board-approved or government-recognized drug or alcohol abuse assistance or rehabilitation program as a condition of continued employment.