

### **Drug-Free/Alcohol-Free Workplace**

NKCES employees shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, use, or attempt to purchase or obtain, sell or transfer any of the following in the workplace or in the performance of duties:

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
3. Substances that look like a controlled substance. In instances involving look-alike substances, there must be evidence of the employee's intent to pass off the item as a controlled substance.

In addition, employees shall not possess prescription drugs for the purpose of sale or distribution.

#### **DEFINITIONS**

Controlled substance shall mean any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to KRS 218A.020.

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in KRS 217.900 or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

#### **AUTHORIZED DRUGS**

Employees who personally use or who are designated to administer to a student a drug authorized by and administered in accordance with a prescription from a health professional shall not be considered in violation of this policy.

#### **WORKPLACE DEFINED**

Workplace shall mean the site for the performance of work done for NKCES including any place where work on a NKCES program, project or activity is performed, including, but not limited to, a school or NKCES owned building and any school- or NKCES-owned vehicle or any other school-approved vehicle used to transport students. "Workplace" shall also include NKCES-sponsored or NKCES-approved activities, events or functions which are held off NKCES property and in which students are under NKCES jurisdiction.

#### **SUSPENSION/TERMINATION/NON-RENEWAL**

Any employee who violates the terms of this policy may be suspended, non-renewed or terminated. In addition, violations may result in notification of appropriate legal officials.

**Drug-Free/Alcohol-Free Workplace****ALTERNATIVE**

As an alternative, the Executive Director may choose that an employee who violates the terms of the NKCES drug-free/alcohol-free workplace policies shall satisfactorily participate in a Board-approved drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, non-renewed or terminated.

**REPORTING**

Employees of NKCES shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.

**NOTIFICATION BY EMPLOYEE**

Any employee convicted of a workplace violation of criminal drug statutes shall, within five (5) working days, provide notification of the conviction to the Executive Director.

**POST-DISCIPLINE DRUG TESTING**

Following determination by an administrative or judicial proceeding that s/he engaged in misconduct involving the illegal use of controlled substances, a teacher who has been reprimanded or disciplined for misconduct involving illegal use of controlled substances shall submit to random or periodic drug testing in accordance with applicable Kentucky Administrative Regulation for a period not to exceed twelve (12) months from the date of such reprimand or disciplinary action.

**PREVENTION PROGRAM**

The Executive Director shall establish a comprehensive and on-going drug-free/alcohol-free prevention program for all employees which shall include notice of the following:

1. The dangers of drug/alcohol/substance abuse in the workplace;
2. NKCES policies and related procedures concerning a drug-free/alcohol-free workplace;
3. The requirement for mandatory compliance with the NKCES established standards of conduct, including those that prohibit use of alcohol, drugs and other controlled and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
5. Penalties that may be imposed upon employees for violations of this policy.

**Drug-Free/Alcohol-Free Workplace**

**REFERENCES:**

KRS 160.290; KRS 217.900; KRS 218A.1430; 34 CFR Part 85  
P. L. 101-226 (Improving America's Schools Act of 1994 (Title IV): Safe and Drug-Free  
Schools and Communities)

**RELATED POLICIES:**

03.2325; 08.1345; 09.2241

Adopted/Amended: 9/12/12  
Order #: 9-5

***NORTHERN KENTUCKY COOPERATIVE FOR EDUCATIONAL SERVICES***

**DRUG-FREE WORKPLACE POLICY**

The unlawful manufacture, distribution, possession or use of controlled substances is prohibited in, or on state owned or controlled grounds, while functioning as an employee of the Northern Kentucky Cooperative for Educational Services. A controlled substance, as defined in the federal Drug-Free Workplace Act of 1988, does not include alcohol. However, the use of alcohol while functioning as an NKCES employee, including meal periods and breaks, is absolutely prohibited. No employee will report to work while under the influence of alcohol or illegal drugs. Violation of this policy by an employee will be reason for mandatory evaluation/treatment for a substance use disorder or for disciplinary action. Any Cooperative employee determined to have violated this policy may be subject to disciplinary action up to, and including, termination.

In order to comply with the federal Drug-Free Workplace Act of 1988 (41USC 701, et. seg) the Northern Kentucky Cooperative for Educational Services requires that as a condition of employment, an employee notify the Executive Director of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction. The Cooperative must notify any federal granting or contracting agency within 10 days of having received notice that an employee engaged in the performance of such grant or contract has had any criminal drug statute conviction for a violation occurring in the workplace. The Cooperative will impose a sanction on, or require the satisfactory participation in a drug/alcohol abuse assistance or rehabilitation program by any employee who is so convicted.

Any employee engaged in the performance of a grant or contract from the United States Department of Defense will be required to meet the requirements of the Drug-Free Workplace Force regulations (48CFR 23.75) and may be subject to drug testing as prescribed by the funding agency.

**I hereby certify that I have read, understand, and agree to abide by the Northern Kentucky Cooperative for Educational Services' Drug-Free Workplace Policy.**

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Signature

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Date