

**LUZERNE
INTERMEDIATE
UNIT #18**

**SECTION: PROFESSIONAL EMPLOYEES
TITLE: DRUG FREE WORKPLACE
ADOPTED: NOVEMBER 20, 2002
REVISED: SEPTEMBER 24, 2014**

451. DRUG –FREE WORKPLACE	
1. PURPOSE	The Drug-free Workplace Act of 1988 requires employers to implement a policy to notify employees about drug/alcohol-related conduct that is prohibited in the workplace, employee and employer obligations imposed by the Drug-Free Workplace Act, and disciplinary actions that will be taken against employees who violate the policy.
2. Definitions	As used in this policy, the following terms shall have the following meanings:
35 P.S. Sec. 780-101 Et seq	<p>The terms controlled substance or drug shall mean any controlled substance listed in Schedules I through V of Section 202 of the Controlled Substance, Drug, Device and Cosmetic Act or as further defined by regulation at 21 CFR 1300.11 through 1300.15, including: (a) opiates (e.g., heroin, morphine, codeine, methadone), cocaine and “crack,” cannabinoids (e.g., marijuana, hashish), amphetamines, barbiturates, benzodiazepines (e.g., Valium and Librium) and other narcotics and hallucinogens (e.g., phencyclidine (PCP), methaqualone (Quaalude) and peyote (LSD)); (b) any substance which is misused for the purpose of affecting a person’s emotional, mental or physical facilities (e.g., aerosols, glue, solvents, etc.); (c) any prescription drug unless the drug is in the possession of the person for whom it was prescribed and is used in accordance with the physician’s prescription; (d) any over-the-counter medication unless possessed and used in accordance with the manufacturer’s recommendations; (e) anabolic steroids; (f) any substance which is represented as being, or which is thought to be by the person who possesses or uses or distributes the substance, a drug or controlled substance (e.g., “look-alike drugs”); and (g) drug paraphernalia.</p> <p>The terms alcohol and alcoholic beverages shall mean: (a) all alcoholic and malt beverages as defined in the Act of April 12, 1951, (P.L. 90, No. 21), known as the Liquor Code, as amended; (b) ethyl alcohol of any degree of proof originally produced by the distillation of any fermented liquid, including synthetic ethyl alcohol, but not ethyl alcohol, whether or not diluted, that has been denatured or otherwise rendered unfit for beverage purposes; (c) any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise alcoholic, including all drinks or drinkable liquids, preparations or mixtures; and (d) any beer, lager beer, ale porter or similar fermented malt beverage containing one-half of one (1) percentum or more alcohol by volume, by whatever name such beverage may be called.</p>

<p>41 U.S.C. Sec 706</p>	<p>The term conviction shall mean a finding of guilty (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of a federal or state criminal drug statute.</p>
<p>41 U.S.C. Sec 706</p>	<p>The term criminal drug statute shall mean a federal or state criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.</p>
<p>41 U.S.C. Sec 706</p>	<p>The term drug-free workplace shall mean the site for the performance of work done in connection with a specific direct/indirect federal grant at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.</p>
<p>3. AUTHORITY</p>	<p>It shall be a violation of this policy for any employee to unlawfully manufacture, sell, distribute, dispense, possess or use any controlled substance, drug, alcohol or alcoholic beverage while on the job, while on any property owned, leased or used by the LIU or while present at any LIU function.</p> <p>For purposes of non-transportation employees, the Board shall authorize each supervisor with the authority to determine whether an employee exhibits signs of being under the influence of any illegal controlled substance/drug or alcohol/alcoholic beverage. This determination shall be made by the supervisor either by:</p> <ol style="list-style-type: none"> 1. Personally observing the employee, or 2. Being apprised by at least two (2) employees who work with the employee on a regular basis and know the employee's customary demeanor and who, upon personal observation, believe the employee is in violation of this Policy. In such instance, the supervisor shall have the authority to mandate the employee be taken to an authorized testing facility, as designated by the Human Resources office, and be tested for illegal controlled substance/drugs and/or alcohol. A positive drug/alcohol screen and/or refusal to undergo testing shall be a violation of this Policy, subject to discipline. <p>It shall also be a violation of this policy for any employee to be under the influence of an illegal controlled substance or drug, or alcohol or alcoholic beverage, while on the job, while on any property owned, leased or used by the LIU or while present at any LIU function.</p> <p>Any controlled substance, drug, alcohol or alcoholic beverage illegally possessed by an employee may be confiscated and may be turned over to the appropriate law enforcement agency and criminal prosecution may result.</p>

<p>SC 527</p>	<p>Any employee who is convicted under any criminal drug statute of the sale, delivery or possession with intent to deliver a controlled substance or drug shall be discharged.</p>
<p>41 U.S.C. Sec. 702</p>	<p>An employee shall report to the Executive Director within five (5) days of his/her conviction, or the conviction of any other employee, under any criminal drug statute of sale, delivery or possession with intent to deliver a controlled substance or drug.</p> <p>Any employee who violates this policy or who otherwise engages in conduct which involved alcohol, alcoholic beverages, controlled substances or drugs and which is a criminal offense under Pennsylvania law is subject to disciplinary action up to and including discharge, whether or not the employee is convicted of any criminal offense.</p>
<p>4. DELEGATION OF RESPONSIBILITY</p>	<p>A copy of this policy shall be provided by the Executive Director to each employee of the LIU.</p>
<p>41 U.S.C. Sec. 702</p>	<p>The Executive Director shall be responsible for carrying forth all actions to comply with the provisions of applicable laws relating to controlled substance, drug or alcohol abuse, including without limitation, notifying the appropriate federal fund granting agency of criminal convictions of employees for conduct in the workplace within ten (10) days after receiving actual notice of such conviction and recommending and/or taking appropriate action as required by this policy and applicable law.</p>
<p>41 U.S.C. Sec. 702</p>	<p>In connection with the LIU's establishing a drug-free awareness program, the Executive Director shall inform employees about:</p> <ol style="list-style-type: none"> 1. The dangers of drug and alcohol abuse in the workplace. 2. The LIU's policy of maintaining a drug-free workplace. 3. The availability of drug counseling, drug rehabilitation, and employee assistance programs. 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
<p>41 U.S.C. Sec. 702</p>	<p>The LIU shall make a good faith effort to continue to maintain a drug-free workplace through the implementation of this policy.</p>