

Book: Luzerne Intermediate Unit  
Section: 400 Professional Employees  
Title: Controlled Substance Abuse  
Code: 451  
Status: Active  
First Adopted: November 20, 2002  
Last Revised: August 7, 2024



### **Purpose**

The Board recognizes that the misuse of controlled substances by administrative, professional and support employees is a serious problem with legal, physical and social implications for the whole school community and is concerned about the problems that may be caused by controlled substance abuse by Intermediate Unit employees, especially as it relates to an employee's safety, efficiency and productivity.

The primary purpose and justification for any action by the Intermediate Unit will be for the protection of the health, safety and welfare of students, staff and Intermediate Unit property.

### **Definitions**

**Controlled Substances** – shall be defined as those outlined in the Controlled Substance, Drug, Device and Cosmetic Act.[\[1\]](#)

**Conviction** – for purposes of this policy, is defined as a finding of guilt, including a plea of nolo contendere, an imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.[\[2\]](#)

**Criminal Drug Statute** - a federal or state criminal statute involving the manufacture, distribution, dispensation, use or possession of a controlled substance.[\[2\]](#)

**Drug-free Workplace** - the site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance.[\[2\]](#)

### **Authority**

The Board requires that each administrative, professional and support employee be given notification that, as a condition of employment, the employee will abide by the terms of this policy and notify the Intermediate Unit of any criminal drug

statute conviction for a violation occurring in the workplace immediately, but no later than seventy-two (72) hours, after such conviction.[\[3\]](#)[\[4\]](#)

Any employee convicted of delivery of a controlled substance or convicted of possession of a controlled substance with the intent to deliver or convicted of an offense defined as a felony under the Controlled Substance, Drug, Device and Cosmetic Act, shall be terminated from employment with the Intermediate Unit, in accordance with applicable law, regulations and Board policy.[\[1\]](#)[\[3\]](#)[\[5\]](#)[\[6\]](#)

### **Delegation of Responsibility**

A statement notifying employees that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the employee's workplace shall be provided by the Executive Director or designee and shall specify the actions that will be taken against the employee for violation of this policy, up to and including termination and referral for prosecution.[\[4\]](#)[\[7\]](#)

Within ten (10) days after receiving notice of the conviction of an Intermediate Unit employee, the Intermediate Unit shall notify any federal agency or department that is the grantor of funds to the Intermediate Unit.[\[4\]](#)

The Intermediate Unit shall take appropriate personnel action within thirty (30) days of receiving notice against any convicted employee, up to and including termination, or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency.[\[4\]](#)[\[6\]](#)[\[7\]](#)

In establishing a drug-free workplace awareness program, the Executive Director or designee shall inform employees about:[\[4\]](#)

1. Dangers of drug abuse in the workplace.
2. Board's policy of maintaining a drug-free workplace.
3. Availability of drug counseling, drug rehabilitation and employee assistance programs.
4. Penalties that may be imposed for drug abuse violations occurring in the workplace.

The Intermediate Unit shall make a good faith effort to continue to maintain a drug-free workplace through implementation of this policy.[\[4\]](#)

### **Guidelines**

The Executive Director or designee shall immediately report incidents involving the prohibited possession, use or sale of a controlled substance or drug

paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act by any employee while at school or Intermediate Unit programs, on school property of the Intermediate Unit, at any school function under the jurisdiction of the Intermediate Unit or on a conveyance providing transportation to or from a school function under the jurisdiction of the Intermediate Unit to the law enforcement agency that has jurisdiction over the school property of the Intermediate Unit, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with law enforcement and Board policies.[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)

In accordance with state law, the Executive Director shall annually, by July 31, report all incidents of prohibited possession, use or sale of controlled substances or drug paraphernalia to the PA Department of Education on the required form.[\[8\]](#)[\[9\]](#)[\[13\]](#)

### **Legal**

1. 35 P.S. 780-101 et seq

2. 41 U.S.C. 8101

3. 24 P.S. 111

4. 41 U.S.C. 8103

5. 24 P.S. 527

6. Pol. 317

7. 41 U.S.C. 8104

8. 24 P.S. 1306.2-B

9. 24 P.S. 1319-B

10. 22 PA Code 10.2

11. 22 PA Code 10.21

12. 35 P.S. 780-102

13. Pol. 805.1

41 U.S.C. 8101 et seq

Pol. 810.1