

Personnel - Certified/Non-Certified

Alcohol, Drugs, and Tobacco

Introduction

The Thomaston Board of Education recognizes that both students and employees should be drug-free so that the most effective learning experiences may take place. This policy is an integral part of the Thomaston Public Schools Drug, Alcohol, and Tobacco Prevention Program and represents one component of a district-wide effort to respond effectively to drug, mood altering substance, and alcohol related activities that may occur at school or at school-sponsored events and activities.

Alcohol and Drugs

In compliance with federal and state requirements, employees are prohibited from the unlawful consumption, manufacture, distribution, dispensing, possession, purchase, sale, offer of sale, transfer, storage, or use in the workplace of any alcohol, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance. Controlled drugs are further defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15.

An employee is prohibited from being under the influence of any alcohol, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance in the workplace and/or while performing work duties, including the palliative use of marijuana by a qualifying patient pursuant to state medical marijuana law. Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Such employee shall be subjected to discipline up to and including termination, referral for prosecution, and intervention pursuant to the provisions and procedures outlined in the administration regulation.

While Connecticut state law legalized certain activities related to marijuana, the law specifically authorizes the Board of Education and the District – as a school and as an employer – to prohibit the possession and use of marijuana. As such, an employee is prohibited from possessing, using, dispensing, or consuming marijuana in any form on school property, in the workplace, and while performing job duties, including, but not limited to, remote working. An employee is prohibited from using marijuana *outside of the workplace*, except qualifying patients of palliative marijuana pursuant to the state medical marijuana law.

For purposes of this policy, the “workplace” means the site for the performance of work, whether the employee is on duty or off duty, which includes (1) any school building or any school property; (2) any school vehicle, whether leased, rented, or owned by the school, or any other school-approved vehicle used to transport students to and from school or school activities; (3) on or off school property during any school-approved activity, event, or function, such as a field

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trip or athletic event, where students are under the jurisdiction of the school district; or (4) any other area used by an employee while performing job duties.

Drug and alcohol awareness, education, and prevention programs for employees shall be adopted and maintained teaching that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful. The employee program shall include information about the dangers of drug abuse in the workplace, the availability of any drug counseling, rehabilitation, and employee assistance programs and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

As a condition of employment, employees shall abide by the terms of this policy and shall notify the Board of Education of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days of the conviction. The Federal Agency(ies) which grant(s) funds to the Board of Education will be notified of the conviction within ten (10) days, and appropriate personnel action will be taken against the employee within thirty (30) days as set forth in the administrative regulation.

The Board reserves the right to use any extraordinary measures deemed necessary to control substance abuse even if the same is not provided for specifically in any rule or regulation enumerated herein.

The Board will review its program biennially to determine its effectiveness, to implement changes to the program if they are needed, and to ensure that the sanctions set forth in the Administrative Regulations are consistently enforced.

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Alcohol, Drugs, and Tobacco (continued)

Smoking

There shall be no smoking or other use of tobacco, marijuana/cannabis, or hemp products in any area of a school building, school facilities, on all school property, both inside and outside, and on all buses or other transportation vehicles under the jurisdiction of the Board of Education. The use of electronic delivery systems and vapor products is also prohibited.

For purposes of this policy, the following definitions apply:

- “Cannabis” means marijuana which includes all parts of a plant or species of the genus cannabis or any infra specific taxon thereof, whether growing or not, and including its seeds and resin; its compounds, manufactures, salts, derivatives, mixtures, and preparations; and cannabimon, cannabimol, cannabidiol (CBD), and similar compounds unless derived from hemp as defined in federal law. The definition of marijuana also includes any product made using hemp, as defined in state law, with more than 0.3% total THC concentration on a dry-weight basis, manufactured cannabinoids, and certain synthetic cannabinoids.
- “Cannabis product” is cannabis in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption.
- “Electronic Delivery System” means an electronic device that may be used to simulate smoking in the delivery of nicotine, cannabis, or other substance to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or electronic hookah, and any related device and any cartridge or other component of such device.
- “School building” includes *any area* of a school building (i.e., the interior of the facility, building, or establishment and the outside area within 25 feet of any doorway, operable window, or air intake vent of the facility, building, or establishment).
- “Smoking” means the burning of a lighted cigarette, cigar, pipe, or any other similar device, whether containing, wholly or in part, tobacco, cannabis, or hemp, including, but not limited to, electronic delivery systems or vapor products.
- “Tobacco product” includes, but is not limited to, cigarettes, cigars, blunts, bidis, pipes, chewing tobacco, and all other forms of smokeless tobacco, rolling papers, and any other items containing or reasonably resembling tobacco or tobacco products, such as electronic cigarettes or vapor products.
- “Vapor product” means any product that employs a heating element, power source, electronic circuit or other electronic, chemical, or mechanical means, regardless of shape or size, to produce a vapor that may include nicotine or cannabis, that is inhaled by the user of such product.

Legal Reference: Drug-Free Workplace Act. 102 Stat 4305-4308.
Drug-Free Schools and Community Act, P.L. 99-570, as amended by P.L. 101-226 (199).
21 U.S.C. 812, Controlled Substances Act, I through V, 202.21
C.F.R. 1300.11 through 1300.15 regulation.
54 Fed. Reg. 4946 (1989).
Connecticut General Statutes
1-21b Smoking prohibited in certain places.
19a-342 Smoking prohibited. Exceptions. Signs required. Penalties.
19a-342a Use of electronic nicotine delivery system or vapor product prohibited. Exceptions. Signage required. Penalties.
21a-240 Definitions.
21a-408p Treatment of student, tenant or employee due to status as qualifying patient or primary caregiver
P.A. 21-1 (June Spec. Session) An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis

Policy adopted:

May 9, 2022

THOMASTON PUBLIC SCHOOLS Thomaston,
Connecticut

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Alcohol, Drugs and Tobacco Prevention Program

As an integral part of the Thomaston Public Schools Alcohol, Drug, and Tobacco Prevention Program, these regulations represent one component of a district-wide effort to respond effectively to drug, mood-altering substance and alcohol-related situations that may occur at school or at school sponsored activities. These procedures are intended to provide a consistent disciplinary means to respond to drug, mood-altering substance, and alcohol related incidents. The Thomaston Public Schools will provide a safe and healthy environment for employees with due consideration for their legal rights and responsibilities.

Disciplinary Action Regarding Employees

I. Definitions:

- A. **Cooperative Behavior** -- shall be defined as the willingness of an employee to work with appropriate personnel in a reasonable and helpful manner, complying with requests and recommendations made by that personnel.
- B. **Uncooperative Behavior** -- shall be defined as resistance or refusal, either verbal, physical, or passive, on the part of the employee to comply with the reasonable requests or recommendations of administrative personnel. Defiance, assault, deceit, and flight shall constitute examples of uncooperative behavior. Uncooperative behavior shall also include the refusal to comply with the recommendations of the employee assistance program.
- C. **Conviction** -- “Conviction” means a finding of guilt (including plea of nolo contendere) or imposition of sentence, or both, by a judicial body charged with the responsibility to determine the violation of the Federal and State (including the District of Columbia) criminal drug statutes.
- D. **Reasonable Suspicion** -- Any of the following, alone or in combination, may constitute “reasonable suspicion”:
 - 1. **Odor:**
Smell of alcohol or marijuana evident on the individual’s breath or around the person.

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Disciplinary Action Regarding Employees

I. Definitions: (continued)

2. Speech:

“Thick” speech or speech which is abnormally slow, slurred, incoherent, disfigured in any way.

3. Appearance:

Glassy or bloodshot eyes, flushed, or red face.

4. Movement:

Uncoordinated or clumsy movement. Person may wave or stagger, move in a slow or deliberate manner or be wobbly and unsteady on her/his feet.

5. Manner:

Boisterous, loud, profane, or belligerent behavior; or unusually quiet, lethargic behavior -- in any event, an affect different from the individual's manner.

In addition to the physical symptoms described above, other indications of drug or alcohol problems may appear before an employee is discovered to be impaired on the job. These include such thing as:

1. Increased Absenteeism
2. Substandard work performance, including an increase in the number of errors or low productivity.
3. Increase in disciplinary incidents.
4. Deteriorating work relationships with other employees, students, or supervisors.
5. General unhappiness.
6. Increased inattentiveness and absentmindedness.
7. Increased hostility toward students and/or staff.
8. Frequent need for work breaks.
9. Behavior which is so unusual that it warrants summoning a department head or supervisor for assistance.
10. Information obtained from a reliable person with personal knowledge.

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Disciplinary Action Regarding Employees (continued)

II Procedures:

- A. If any school employee is suspected of manufacturing, possession, using, dispensing, distributing, or selling an illicit drug, the following will occur:
 - 1. The police will be notified.
 - 2. The appropriate administrator or her/his designee will investigate the allegations. The administrator or her/his designee may suspend the employee with or without pay during such investigation.
 - 3. If the employee is convicted or if the investigation established that such misconduct occurred, termination of employment will result.

- B. If an employee is suspected of dispensing or selling alcohol on school property, the following will occur:
 - 1. The police will be notified.
 - 2. The appropriate administrator or her/his designee will investigate the allegations. The administrator or her/his designee may suspend the employee with or without pay during investigation.
 - 3. If the employee is convicted or if the investigation establishes that such misconduct occurred, termination of employment will result.

- C. If an employee possesses or uses or is under the influence of illicit drugs, including, but not limited to marijuana, and/or alcohol on school property or at school functions, the following will occur:
 - 1. If currently under the influence, the employee will be sent home without pay.
 - 2. If an employee recognizes her/his problem and demonstrates cooperative behavior, appropriate progressive disciplinary action will be taken. Such discipline may include:
 - a. Oral counseling by the appropriate administrator.
 - b. Recommendation of the Employee Assistance Program (EAP).
 - c. Letter of reprimand.
 - d. Suspension.
 - e. Termination.

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Disciplinary Action Regarding Employees

II Procedures: (continued)

3. If the person refuses to recognize the problem or demonstrates uncooperative behavior, appropriate progressive disciplinary action will be taken. Such discipline may include:
 - a. A letter of reprimand.
 - b. Suspension.
 - c. Termination.

Legal Reference: Drug-Free Workplace Act. 102 Stat. 4305-4308.
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