

STAFF SUBSTANCE ABUSE REGULATION

In the event that district supervisory personnel determine that a staff member has a potential problem related to alcohol or other substance use/abuse which adversely affects his/her job performance:

1. the supervisory personnel will attempt to compile information and/or document actions that have resulted in an unsatisfactory job performance, that may be related to the employee's alcohol or other substance use/abuse, including any observable signs of alcohol or substance use/abuse;
2. if the problem may adversely affect the employee's position, the district supervisory personnel will schedule a meeting with the employee to discuss possible employment concerns. Written notification regarding reasons for the meeting will be given to the employee. The employee will be entitled to have representatives of their association present;
3. the district supervisory personnel will then review the information with the employee. The employee may be subjected to urinalysis or other form of drug testing if there exists reasonable individualized suspicion that the employee has been using an illegal drug(s);
4. after exhausting the avenue of treatment and prevention, and if the problem still exists, it may be necessary to proceed to issue a:
 - a. verbal reprimand;
 - b. written reprimand; and/or commence
 - c. legal action.

The procedures set forth in this regulation will be subject to state law, civil service law and regulations, as well as terms of negotiated agreements.

Ref: Drug-Free Schools and Communities Act (20 USC §§3171 et seq.)
Civil Service Law §75
Education Law §3020-a
Patchogue-Medford Congress of Teachers v. Board of Education,
70 NY2d 57 (1987)

Adoption date: February 12, 2008