

1 Joint School District No. 2, Meridian  
2 Meridian Technical Charter High School, Inc. has adopted West Ada's (Joint School District No. 2) policy.  
3 STAFF PERSONNEL

4  
5 Series 400

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7 Policy Title Employee alcohol & other drugs Code No. 403.70

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9 Employees are prohibited from using, possessing, distributing, dispensing, or manufacturing  
10 illegal drugs, paraphernalia, or alcohol on any school premises or at any school activity.  
11 Employees are further prohibited from being under the influence of illegal drugs or alcohol on any  
12 school premises or at any school activity. The use of legal or prescribed drugs is permitted on  
13 the job only if it does not impair an employee's ability to perform the essential functions of the job  
14 effectively and in a safe manner that does not endanger other individuals in the workplace.

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16 Definitions:

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18 1. **Use:** The use, possession or distribution of illegal drugs or the abusive use of other  
19 drugs, or the use of alcohol on any school premises, or district property during contract  
20 hours or at any school activity (see definition, 9).  
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22 2. **Possession:** To have alcohol or other illegal drugs other than as prescribed to the  
23 employee by a medical doctor on the employee's person or within an area of the  
24 employee's control including but not limited to car, locker, and clothing at the work place.  
25  
26 3. **Distribution:** To share and/or sell alcohol or other dangerous drugs to other persons at  
27 the work place. This includes, but is not limited to, illegal drugs and alcohol but also the  
28 sharing of prescription medications with an individual(s) to whom the medication was not  
29 prescribed by a medical doctor."  
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31 4. **Illegal Drugs:** Any controlled substances defined by Idaho Code Section 37-2701 or any  
32 other substance, including prescription drugs, which is used to alter or change the mood  
33 cognition, comprehension or functioning capacity of an individual, anabolic steroids, or  
34 any other performance enhancement drug. The term "illegal drugs" does not include over  
35 the counter drugs or drugs prescribed by a doctor or dentist specifically for the person in  
36 possession of those drugs when used as prescribed.  
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38 5. **Under the influence:** This definition covers not only all well-known and easily  
39 recognized conditions and degrees of intoxication but any abnormal mental or physical  
40 condition which is the result of indulging to any degree in unlawful alcohol, illegal drugs,  
41 or the abuse of prescribed drugs, and which tends to deprive one of that clarity of intellect  
42 and control of himself/herself which is/she would otherwise possess. This definition is not  
43 intended to represent the legal definition of a certain percentage of blood content or BAC,  
44 but rather is intended and interpreted in the layman's term.  
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46 6. **Unlawful Alcohol:** Any alcoholic beverage as defined by Idaho Code 23-105 and 23-  
47 1001.  
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49 7. **Unlawful Alcohol Use:** The use, possession or distribution of alcohol on any school  
50 premises or at any school activity.  
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52 8. **Violations:** The commission of an act of illegal drug use, abuse of a legally prescribed  
53 drug or unlawful alcohol use by a district employee. Positive evidence that the employee  
54 is involved in use, possession, or distribution of alcohol or other drugs. Having alcohol on  
55 one's breath is not appropriate in the work place or at school-sponsored activities and will  
56 support evidence of use or being under the influence.

57 9. **District Property/dual-enrolled programs:** Includes all buildings, facilities, and  
 58 property owned or leased by, Joint School District No. 2, including school buses, other  
 59 school vehicles, or the location of any school- sponsored activity or function whether an  
 60 employee is supervising or attending on their personal time. In addition, district property  
 61 is defined as any dual-enrollment setting that includes, but is not limited to, Meridian  
 62 Professional Technical Center, Meridian Night School, Meridian District high school and  
 63 middle school summer school, Treasure Valley Math and Science, and the Dehryl Dennis  
 64 Center.

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66 **Disciplinary Action**

67 Any employee who violates the terms of the district’s drug and alcohol policy may be subject  
 68 to disciplinary action including, but not limited to, discharge, suspension, and/or referral for  
 69 drug and alcohol abuse evaluation and rehabilitation at the discretion of the board.

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71 Notwithstanding the above paragraph, a district bus driver or anyone charged with driving a  
 72 district-owned vehicle will be suspended from all duties pending investigation when  
 73 reasonable suspicion exists that the driver may be under the influence of illegal drugs or  
 74 alcohol. Moreover, it is district policy to conduct random drug/alcohol screening of all CDL  
 75 qualified personnel who drive district vehicles as a condition of employment. A positive drug  
 76 test will be considered as proof of being under the influence. Drivers who use or who are  
 77 under the influence of alcohol or illegal drugs as defined by this policy will be terminated and  
 78 the board or designee will recommend license revocation to the Idaho Department of  
 79 Transportation.

80  
81 FIRST OFFENSE

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83 If an employee violates this policy, with the exception of those listed above, the employee will  
 84 be suspended from work for three (3) days without pay. Additionally, if it is determined that  
 85 the violation was detrimental to the health and safety of school personnel or students, or  
 86 resulted in the employee being unable to perform job duties, the employee may be  
 87 terminated.

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89 The District will support the EAP in such a manner that assessment, counseling, and referral  
 90 services are available for any/all employees subject to a mandatory referral for a first violation  
 91 of this policy. However, if the employee does not qualify for the EAP because of waived  
 92 benefits, they must, before returning to work, agree to have a drug and alcohol assessment  
 93 provided at a state approved alcohol/drug agency in the community and conducted by a  
 94 certified alcoholism/drug abuse counselor, at the employee’s expense. The employee must  
 95 agree to follow the recommendations of the counselor, and is responsible for providing the  
 96 District notice of their activities in meeting these responsibilities as well as the  
 97 recommendations; this notice will be confidential under HIPAA. If it is determined that the  
 98 employee is not following the treatment recommendations, the employee will be terminated.

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100 In the event that the health, welfare, and safety of students, employees, volunteers or visitors  
 101 has been adversely affected by the employee’s offense, the employee will be immediately  
 102 terminated.

103  
104 SECOND OFFENSE

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106 When an employee violates the policy for a second time, the employee will be terminated.

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109 Date of Revision:  
110 08/11/09; 08/17/10

Legal Reference: Code of Idaho