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Introduction

Lincoln Public Schools recognizes that drug use and abuse negatively affects, not only the individual employee and his/her job-performance, but the students, co-workers, and the general operation of the school. Employee health and wellbeing is of the utmost importance when it comes to education and performance. Alcohol and drug use pose a threat to the health and safety of employees and students. For these reasons, the school is committed to eliminating drug and/or alcohol use and abuse in the workplace.

LPS takes notice that the Rhode Island General Assembly has determined there to be beneficial uses for marijuana in treating and alleviating pain, nausea, and other symptoms associated with debilitating medical conditions.

Purpose

The Town of Lincoln School Committee will provide a drug-free workplace in accordance with the Drug-Free Workplace Act of 1988 and its implementing regulations.

Definitions

"School premises" includes all buildings, offices, facilities, grounds, parking lots, and any site on which the school conducts business.

"Controlled substance" means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. Controlled substances are listed in Schedules I-V of 21 CFR Part 1308. Notwithstanding the federal regulation, marijuana shall not be considered a controlled substance, in accordance with Rhode Island law.

In support of this accord, the committee will:

- a. Notify all employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on school premises or at any school-sponsored activity. Appropriate action will be taken against employees for violation of such prohibitions.
- b. Notify employees that as a condition of employment, all employees agree to abide by the requirements of the Drug-Free Workplace Act of 1988. The Lincoln Public Schools does not desire to intrude into the private lives of its employees but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, employees are required to notify the Superintendent of Schools of any criminal drug statute conviction, plea, or sentence for a violation no later than five (5) days after such a conviction. Failure to do

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- c. so will result in the same disciplinary measures provided in subparagraph (d) of this policy.
- d. Notify the relevant federal agency within ten (10) days after receiving notice from an employee or otherwise receiving notice of such conviction.
- e. Take one of the following actions within thirty (30) days after receiving notice with respect to any employee who is so convicted: take appropriate personnel action against such an employee, up to and including termination of employment and referral for prosecution or require such employee to participate, to the satisfaction of the Superintendent of Schools or his/her designee, in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health law enforcement or other appropriate agency. Suspension with or without pay may be necessary during the investigation process, regardless of cooperation, as is appropriate and in accordance with due process rights under state law and any applicable collective bargaining agreement.
- f. Make a good-faith effort to continue to maintain a drug-free workplace through implementation of the provisions of this policy.

Marijuana in the workplace

In accordance with R.I. Gen. Laws § 21-28.11-29, LPS shall not refuse to employ or penalize employees for obtaining or maintaining status as a medical marijuana cardholder. LPS shall also not discriminate for an employee’s private, lawful use of cannabis outside the workplace.

Employees are permitted to use medical marijuana as prescribed by a medical provider on school grounds. However, as provided in § 21-28.11-29, smoking or vaporizing of cannabis products on school buses and grounds is prohibited. Employees may use prescribed cannabis products on school premises—excluding smoking or vaping marijuana—but not while performing their work.

Notwithstanding the above, employees shall not be impaired during work hours. The Superintendent reserves the option to take appropriate disciplinary measures against employees who perform work while under the influence of cannabis regardless of the existence of a valid prescription.

Legal References: R.I. General Law § 21-28.11-29
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