

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

FILED
1989 SEP 13 AM 9:35
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

RULE TYPE: Legislative; CITE AUTHORITY 18-2-5

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 8 (Policy 1461)

TITLE OF RULE BEING PROPOSED: Drug-Free Workplace

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON October 25, 1989 AT 9:00 a.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Mrs. Terri Wilson
Bureau of General, Special and
Professional Education
Room B-309, Bldg. #6
Capitol Complex
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Bureau of Legal
September 12, 1989

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Title 126
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF EDUCATION
CHAPTER 60A
SERIES 8
Policy 1461

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TITLE: DRUG-FREE WORKPLACE

Section 1. General

- 1.1 Scope - This policy is in compliance with the Drug-Free Workplace Act 1988 and will require that the West Virginia Department of Education provide a drug awareness program in which all employees must participate.
- 1.2 Authority - Drug-Free Workplace Act 1988 (P.L. 100-690)
W. Va. Code 18-2-5
- 1.3 Filing Date -
- 1.4 Effective Date -
- 1.5 Repeal of Former Ruling - None - New Policy

Section 2. Purpose

The Drug-Free Workplace Policy will enable the West Virginia Department of Education to maintain a work environment free of illegal drugs, and to provide a drug awareness program which will inform employees of the harmful effects of alcohol and illegal drugs.

Section 3. Content

- 3.1. The West Virginia Department of Education will continuously work to maintain a drug-free workplace. As required by the Drug-Free Workplace Act 1988, all employees will be informed of and required to sign the Drug-Free Workplace Policy Verification Statement. All employees will be required to participate in a drug awareness program provided by the West Virginia Department of Education.

- 3.2. The West Virginia Department of Education will take appropriate personnel action in accordance with the disciplinary procedure outlined in the West Virginia Department of Education Employee Handbook. The handbook states that "When an offense is of a magnitude to warrant it, an employee may be suspended without pay or may be dismissed from employment. Reasons for suspension or dismissal may be misuse of state property, insubordination, incompetence, willful neglect of duty, reporting to work under the influence of alcohol, narcotics, or other illegal controlled substances, fraud, activities involving conflict of interest and violations of law and/or policy of the Board. Suspension or dismissal may be effective immediately ; however, action shall be taken within ten (10) workdays of knowledge of the offense." Employees may be required to satisfactorily participate in a drug abuse assistance or rehabilitation program. Rehabilitation will be provided according to the guidelines of the Public Employees Insurance Agency.
- 3.3. The employee shall abide by the terms of this policy statement. The employee shall notify his/her supervisor of any criminal drug stature conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- 3.4. Illegal drugs are defined as meaning "controlled substance" in Schedules I-V of the United States Controlled Substances Act §202 (21 U.S. Code 812) and pertinent federal regulations.

WEST VIRGINIA DEPARTMENT OF EDUCATION
IMPACT STATEMENT FOR
STATE BOARD POLICIES

INSTRUCTION:

The Drug-Free Workplace Policy is provided for all employees of the West Virginia Department of Education and doesn't affect instruction of the students of West Virginia. A drug awareness program will be provided for all employees of the West Virginia Department of Education.

LEADERSHIP:

The West Virginia Department of Education recognizes the need to provide a healthy and safe work environment for its employees. Efforts will be made to encourage all employees to assist the department in providing such a workplace.

STAFF DEVELOPMENT:

Each employee will be required to participate in a Drug Awareness Program. The program will include information on alcohol, legal and illegal drugs and their effect on the individual as well as society as a whole.

ADMINISTRATION:

The West Virginia Department of Education staff will be responsible for identifying and implementing an appropriate drug awareness program.

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Drug-Free Workplace Awareness Program FUND _____

SOURCE OF REVENUE: GENERAL SPECIAL OTHER (SPECIFY) Possible Federal Grant (Account Number 7772-22-825)

COST ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 AND ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$	\$	\$10,100	\$5,000	\$5,000
PERSONAL SERVICES	\$	\$	\$	\$	\$
CURRENT EXPENSE					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$	\$	\$10,100	\$5,000	\$5,000

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

A Drug Awareness Program must be provided for all employees of the West Virginia Department of Education. It is estimated that it would cost an average of \$20 per employee for 505 employees for a total of \$10,100. The Drug-Free Workplace committee has not reviewed all possible drug awareness programs and, thus, \$20 per employee appears to be a realistic figure for any program which may be chosen. Estimated total costs for the second year and thereafter will be reduced because much of the program will then be optional.

IMPACTS
FISCAL:

STATE STAFF:

DATE _____ AGENCY _____ AUTHORIZED REPRESENTATIVE _____