

Procedure 417 - Chemical Use/Abuse

- I. For the purposes of Policy 417 - Chemical Use/Abuse, chemical dependency is defined as an illness in which an employee's consumption of mood-altering chemicals repeatedly interferes with performance.
- II. When it is noted that job performance has deteriorated or unsatisfactory changes have taken place and chemicals are suspected, the Supervisor will contact the Personnel Department. The Personnel Department will provide a packet of information that will assist the Supervisor in identifying the problem and proper procedures. Discussion between Personnel and the Supervisor will result in the following:
 - A. A plan for data gathering.
 - B. The best method of conducting an initial interview with the employee.
 - C. A review of what administrative action may be warranted in relation to the job performance problem.
- III. When a conference is held with the employee, the Supervisor will advise the employee of the following:
 - A. Specific job performance areas that are unsatisfactory and must be corrected.
 - B. That assistance is available if health/emotional problems are contributing to the problem.
 - C. That failure to correct the job performance will lead to further action by the District.
- IV. If the employee's performance does not improve over a reasonable period of time and the data supports chemical misuse, the Supervisor will contact the Personnel Department to plan a second meeting. The plan for outlining treatment and options available to the employee will be developed in accordance with M.S. 125.12, Subd. 7.
- V. The District will take immediate action if an employee is found to be in possession of or using chemicals on school property.
- VI. The District will cooperate when an employee's family requests assistance in dealing with suspected chemical misuse. A review to validate the concern will be made prior to the District's participation in an intervention.
- VII. If an employee refuses to accept diagnosis and treatment, or fails to respond to treatment, and the result of such refusal or failure is such that job performance continues to be affected, it will be handled in the same way that similar refusal or treatment failure would be handled for any other illness. M.S. 125.12, Subd. 7 will again be used to determine what further action is necessary.

Procedure 417 Dated: 2/2/99
(formerly Procedure 4151.8)
Procedure Revised: 9/18/90
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Legal References:

M.S. 125.12, Subd. 7

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MINNESOTA STATUTE 125.12
EMPLOYMENT; CONTRACTS, TERMINATION

Subd. 7. Suspension and leave of absence for health reasons. Affliction with active tuberculosis or other communicable disease, mental illness, drug or alcoholic addiction, or other serious incapacity shall be grounds for temporary suspension and leave of absence while the teacher is suffering from such disability. Unless the teacher consents, such action shall be taken only upon evidence that suspension is required from a physician who has examined the teacher. The physician shall be competent in the field involved and shall be selected by the teacher from a list of three provided by the school board, and the examination shall be at the expense of the school district. A copy of the report of the physician shall be furnished to the teacher upon request. If the teacher fails to submit to the examination within the prescribed time, the board may discharge the teacher, effective immediately. In the event of mental illness, if the teacher submits to such an examination and the examining physician's or psychiatrist's statement is unacceptable to the teacher or the board, a panel of three physicians or psychiatrists shall be selected to examine the teacher at the board's expense. The board and the teacher shall each select a member of this panel, and these two members shall select a third member. The panel shall examine the teacher and submit a statement of its findings and conclusions to the board. Upon receipt and consideration of the statement from the panel the board may suspend the teacher. The board shall notify the teacher in writing of such suspension and the reasons therefor. During the leave of absence the teacher shall be paid sick leave benefits by the district up to the amount of unused accumulated sick leave, and after it is exhausted, the district may in its discretion pay additional benefits. The teacher shall be reinstated to teacher's position upon evidence from such a physician of sufficient recovery to be capable of resuming performance of duties in a proper manner. In the event that the teacher does not qualify for reinstatement within twelve months after the date of suspension, the continuing disability may be a ground for discharge under subdivision 8.

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