

6W

# DRAFT UPDATE

Mid-Valley Special Education Cooperative

5:50

## General Personnel

### Drug- and Alcohol-Free Workplace; Tobacco Prohibition

All Cooperative workplaces are drug- and alcohol-free workplaces. All employees are prohibited from engaging in any of the following activities while on Cooperative or member district premises or while performing work for the Cooperative or member district:

1. Unlawful manufacture, dispensing, distribution, possession, ~~or use, or being under the influence~~ of a controlled substance.
2. Distribution, consumption, use, possession, or being under the influence of alcohol ~~an alcoholic beverage~~.
3. Possession or use of medical ~~cannabis~~.

For purposes of this policy a controlled substance means a substance that is:

1. Not legally obtainable,
2. Being used in a manner different than prescribed,
3. Legally obtainable, but has not been legally obtained, or
4. Referenced in federal or State controlled substance acts.

As a condition of employment, each employee shall:

1. Abide by the terms of the Board policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the Cooperative or member district premises or while performing work for the Cooperative or member district, no later than 5 calendar days after such a conviction.

Unless otherwise prohibited by this policy, prescription and over-the-counter medications are not prohibited when taken in standard dosages and/or according to prescriptions from the employee's licensed health care provider, provided that an employee's work performance is not impaired.

To make employees aware of the dangers of drug and alcohol abuse, the Executive Director or designee shall perform each of the following:

1. Provide each employee with a copy of this policy.
2. Post notice of this policy in a place where other information for employees is posted.
3. Make available materials from local, State, and national anti-drug and alcohol-abuse organizations.
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to Cooperative employees.
5. Establish a drug-free awareness program to inform employees about:
  - a. The dangers of drug abuse in the workplace,
  - b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
  - c. The penalties that the Cooperative may impose upon employees for violations of this policy.

**Comment [AKL1]:**

**UPDATE 1.** Prohibiting *being under the influence* is not required by the State and federal Drug-Free Workplace Acts.

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**Comment [AKL2]:**

**UPDATE 2.** To legally use medical cannabis, an individual must first become a *registered qualifying patient*. The use of cannabis by a *registered qualifying patient* is permitted only in accordance with the Compassionate Use of Medical Cannabis Pilot Program (Medical Cannabis Act) (410 ILCS 130/, added by P.A. 98-122, eff. 1-1-14). There are many situations in which no one, even a *registered qualifying patient*, may possess or use cannabis, including in a school bus or on the grounds of any preschool, or primary or secondary school (410 ILCS 130/30(a)(2) & (3).

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**Comment [AKL3]:**

**UPDATE 3.** This optional paragraph is not addressed in State or federal drug-free workplace acts. An employer should generally not ask an employee about his or her use of medication. See rules implementing the Americans with Disabilities Act, 29 C.F.R. §1630.14. Consult the board attorney if an employee is suspected of working while impaired.

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# ***DRAFT UPDATE***

## Tobacco Prohibition

All employees are covered by the conduct prohibitions contained in policy 8:30, *Visitors to and Conduct on School Property*. The prohibition on the use of tobacco products applies both (1) when an employee is on school property, and (2) while an employee is performing work for the Cooperative at a school event regardless of the event's location. *Tobacco* shall have the meaning provided in section 10-20.5b of the School Code.

## Cooperative Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. Alternatively, the Cooperative Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse rehabilitation program.

The Board shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction.

Should Cooperative employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Executive Director shall notify the appropriate State or federal agency from which the Cooperative or member district receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

LEGAL REF.: Americans With Disabilities Act, 42 U.S.C. §12114.  
Compassionate Use of Medical Cannabis Pilot Program, 410 ILCS 130/  
Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. §1308.11-1308.15.  
Drug-Free Workplace Act of 1988, 41 U.S.C. §701 et seq.  
Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101 et seq.  
Drug-Free Workplace Act, 30 ILCS 580/  
105 ILCS 5/10-20.5b.

CROSS REF.: 8:30 (Visitors to and Conduct on School Property)

ADOPTED: June 5, 2013