

DRUG, TOBACCO, AND ALCOHOL-FREE WORKPLACE (All Personnel)

BP 4020

~~Note: The Drug-Free Workplace Act of 1988 requires districts to adopt policy maintaining drug-free workplaces as specified by law and to notify their employees of such policy. The following policy complies with the Drug-Free Workplace Act, Drug-Free Schools and Communities Act and the Omnibus Transportation Employee Testing Act of 1991. The Drug-Free Schools and Communities Act includes alcohol in addition to "controlled substances", and applies to districts that receive federal funds either directly or indirectly.~~

The School Board believes that the maintenance of drug-free, tobacco, and alcohol-free workplaces is essential to school and district operations. No employee, chaperone, or volunteer shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance before, during or after school hours at school or in any other district workplace or at any district-sponsored activity.

For purposes of this policy, "drug" is defined to include, but is not limited to, marijuana or cannabis, in any form; synthetic marijuana or cannabis, in any form; synthetic variations of controlled substances, in any form; prescription medication for which a valid prescription has not been obtained, which is used in amounts in excess of prescribed dosages, or which is used for purposes other than as prescribed, and prescription drugs distributed or dispensed to any person other than the prescription holder.

"Controlled substance" is defined to include any substance identified by federal or state law as controlled.

In the interest of the health and safety of students and employees, it is a violation of this policy for students, staff, volunteers, parents, visitors, contractors and all others to use, distribute or sell tobacco, products on District premises, at school-sponsored activities on or off District premises and in District-owned, rented or leased vehicles.

"Tobacco" is defined to include any non FDA approved tobacco or nicotine, lighted or unlighted cigarette, electronic cigarette, vape or vaping device, cigar, pipe, bidi, clove cigarette, dissolvable nicotine strips, liquid tobacco or nicotine, and any other smokeless tobacco product, also known as spit tobacco, dip, chew, and snuff, in any form.

Tobacco possession is prohibited for all district students and visiting students, as well as for all other visitors under the age of 21.

Alcohol, tobacco, and marijuana advertising is prohibited in all school-sponsored publications, in all school buildings, and at all school-sponsored events. District acceptance of gifts or funds from the alcohol, tobacco, and marijuana industries is similarly prohibited.

Personnel shall not wear clothing depicting tobacco, alcohol, drugs, or controlled substances, and shall not display such items or related slogans on their vehicles, through signage or otherwise, while the vehicle is on District property or at a school sponsored event.

The Superintendent or designee shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or

alcohol statute conviction which he/she receives for a violation involving drugs, alcohol, or tobacco.

For the purpose of this policy, "conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged to determine violations of federal or state criminal drug or alcohol statutes.

2. Establish a drug, tobacco and alcohol-free awareness program to inform employees about:
 - a. The dangers and costs of drug, tobacco, and alcohol abuse in the workplace.
 - b. The district policy of maintaining drug, tobacco, and alcohol-free workplaces.
 - c. Any available drug, tobacco, and alcohol counseling, rehabilitation, and employee assistance programs, including the free Alaska Tobacco Quitline, and
 - d. The penalties that may be imposed on employees for drug, tobacco, and alcohol abuse violations.
3. Notify the appropriate federal granting or contracting agencies within ten days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.
4. Initiate disciplinary action within 30 days after receiving notice of a conviction for a violation in the workplace from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement, and district policy and practices.
5. Make a good faith effort to maintain a drug, tobacco, and alcohol-free workplaces throughout the district.

In taking disciplinary action, the Board requires termination when termination is required by law. When termination is not required by law, the Superintendent or designee shall take disciplinary action, up to and including shall terminate-ion, or shall require the an-employee to satisfactorily participate and complete a drug assistance or rehabilitation program approved by federal, state, or local health, law enforcement or other appropriate agency, or a combination of both discipline and mandatory assistance program. When termination is not required by law, the Superintendent shall: (a) take appropriate disciplinary action, including termination when warranted; or (b) require the employee to satisfactorily participate in, and complete, an approved drug assistance or rehabilitation program. The Superintendent's Discipline decisions shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements, and district policies and practices.

Nothing in this policy shall prohibit the District from conducting its own investigation or from taking appropriate disciplinary action even in the absence of a conviction.

(cf. 3514 - Environmental Safety)

(cf. 4020 - Drug and Alcohol Testing)

(cf. 4117.4 - Dismissal)

(cf. 4118/4218 - Suspension/Disciplinary Action)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5144.1 - Suspension and Expulsion)

Legal References:

UNITED STATES CODE

THE DRUG-FREE WORKPLACE ACT OF 1988, 41 U.S.C. Ch. 81

DRUG-FREE SCHOOLS AND COMMUNITIES ACT AMENDMENT OF 1986, as amended
U, 20 U.S.C. 7111

CONTROLLED SUBSTANCES ACT, 21 U.S.C. 801

CODE OF FEDERAL REGULATIONS

21 CFR 1300 - 1316

ALASKA STATUTES

17.38, The Regulation of Marijuana

17.38.220, Employers, Driving, Minors, and Control of Property

11.71.010-090, Controlled Substances

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