Ontario School District 8

Code: **GBEC**
Adopted: 12/21/95
Readopted: 8/18/10
Orig. Code(s): GBEC

Drug-Free Workplace *

The district shall provide a drug-free workplace.

1. Definitions

   a. Controlled substance: A controlled substance shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or other controlled substance.
   b. Alcohol: Alcohol shall include any form of alcohol for consumption, including beer, wine, wine coolers or liquor.
   c. Conviction: A finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
   d. Criminal drug statute: A federal or state criminal statute involving the manufacture, distribution, dispensation, possession, or use of any controlled substance or alcohol.
   e. Drug-free workplace: A site for the performance of work at which employees are prohibited from engaging in the manufacture, distribution, dispensation, possession, or use of a controlled substance, alcohol, or any impairing substances.

2. Purpose

   The purpose of this policy is to promote safety, health, and efficiency in the workplace by prohibiting the manufacture, distribution, dispensation, possession, or use of a controlled substance, alcohol, or any impairing substances.

3. Applicability

   This policy applies to all employees, who perform work for the district in any capacity. This includes those exempt, unclassified, management service, classified, and temporary employees who are paid directly, or indirectly from funds received under a federal grant or contract.

4. Prohibitions

   An employee shall not, in the workplace, manufacture, distribute, dispense, possess, or use a controlled substance, alcohol, or any impairing substance in the workplace.

5. Compliance with Policy[1]

   An employee shall, as a condition of employment, abide by the provisions of this policy.

[1] Districts directly receiving grants or contracts of $25,000 or more from the federal government are required to meet this obligation.

6. Sanctions and Remedies[1]

   a. The district, upon determining that an employee has engaged in the manufacture, distribution, dispensation, or possession of a controlled substance or alcohol or upon having reasonable suspicion, under Section 7 of this policy, of employee use of a controlled substance, alcohol, or any impairing substance in the workplace, shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take action with regard to the employee determined to be appropriate which may include transfer, granting of leave with or without pay or suspension with or without pay.
   b. Within 30 days of an employee's criminal drug statute conviction for a violation occurring in the workplace, the district shall:

      (1) Take action with regard to the employee determined to be appropriate which may include discipline up to and including termination; and/or
      (2) Require satisfactory participation by the employee 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.

7. Basis for Reasonable Suspicion of Employee Use of Controlled Substance/Alcohol/Impairing Substance

   Reasonable suspicion of employee use of a controlled substance, alcohol, or impairing substance shall be based upon any of the following:

   a. Observed abnormal behavior or impairment in mental or physical performance (e.g., slurred speech or difficulty walking);
   b. Direct observation of use in the workplace;
   c. The opinion of a medical professional;
   d. Reliable information concerning use in the workplace, the reliability of any such information shall be determined by employer;
   e. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.

8. An employee having a drug or alcohol problem is encouraged to seek assistance, on a confidential basis, under the Employee Assistance Program if such program is provided by the employer.

9. Leave for Participation Abuse Assistance or Rehabilitation Program

   The district shall, upon employee request, grant leave with or without pay to permit an employee to participate in a drug abuse assistance or rehabilitation program.

10. Establishment of Drug-Free Awareness Program

    The district shall establish a drug-free awareness program to inform employees of the:

    a. Dangers of drug abuse in the workplace;
    b. Existence of and content of this policy for maintaining a drug-free workplace;
    c. Availability of drug-counseling, rehabilitation, and employee assistance programs; and
    d. Penalties that may be imposed for drug abuse violations occurring in the workplace.

11. Notification by Employee of Conviction[1]

An employee shall, as a condition of employment, notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

12. Notification by Ontario School District of Employee Conviction

The district shall notify the appropriate Federal granting or contracting agency of an employee's criminal drug statute conviction for a violation occurring in the workplace no later than ten days after receiving notice of such conviction.

13. Provision of Copy of Policy to Employees

The district shall provide to each employee a copy of this policy.

END OF POLICY

Legal Reference(s):

ORS 243.650
ORS 336.222
ORS Chapter 475
ORS 342.721
ORS 342.723
ORS 342.726
ORS 657.176
ORS 809.260

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Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707 (2006); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 85.600 - 85.645 (2006).
Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).

Cross Reference(s):

GBCBA - Alcohol/Controlled Substance Use