

## **7300 ALCOHOL AND DRUG ABUSE - EMPLOYEES**

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### **References**

*Utah Code, Title 34, Chapter 38*

*Utah Administrative Code R277-217*

*Utah Administrative Code R277-516*

*Code of Federal Regulations, Rule 49, Part 40*

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### **I. PURPOSE AND PHILOSOPHY**

Weber School District is committed to an alcohol and drug free workplace. The Weber School District Board of Education recognizes that the use, possession, distribution, or sale of narcotics, or other dangerous drugs and drug paraphernalia constitutes a hazard to employees and students and is illegal according the Federal and State law. Also, the use of alcohol or tobacco in any form on school property, in school buildings or vehicles, or at school sponsored activities is contrary to the District's education mission. The Board also recognizes that alcoholism and drug dependencies are recognized as treatable illnesses from which recovery is possible. The Board supports and encourages programs that coordinate school district and employee cooperation in attempting to prevent substance misuse and abuse problems, and encourages employees to seek school district, public, or outside professional help for employees who become involved with alcohol or drug abuse.

### **II. POLICY**

It is the policy of Weber School District that the use, possession, distribution, or sale of narcotics or other dangerous drugs and drug paraphernalia is prohibited by Weber School District employees. It is also Weber School District's policy that the use of alcohol or tobacco in any form on school property, in school buildings, or vehicles, or at school sponsored activities is prohibited by Weber School District employees. It is also Weber School District's Policy to support employees seeking to overcome substance misuse and abuse problems without repercussion so long as the employee has not violated this policy.

### **III. DEFINITIONS**

- A. **"Drug or narcotics"** mean, for purposes of this policy, controlled substances which are illegal under federal, state, or local laws. It also includes any prescription medication not prescribed for current personal medical treatment by a licensed physician for its intended purpose.

- B. **“Drug paraphernalia”** means all equipment, products, and materials of any kind, including the constituent parts thereof that are either designed for use or which are intended by the employee for use in packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body drugs or a controlled substance, which are possessed by the employee pursuant to a prescription issued by a licensed physician for current personal medical treatment.
- C. **“Electronic cigarette”** means a cigarette shaped device containing a nicotine-based liquid that is vaporized and inhaled, used to simulate the experience of smoking tobacco
- D. **“Tobacco”** means cigarettes, cigars, cigarillos, chewing tobacco and any and all other products containing tobacco.
- E. **“Under the influence of alcohol or drugs”** means consuming alcohol or drugs (illegal or prescription) to a degree that renders the employee incapable of safely and effectively working in a public school or with public school students.

**IV. ADMINISTRATION.** The Board delegates to the Administration the responsibility for providing educational prevention programs, with adequate employee notification, procedures for employee discipline, and support for employees and their families in all efforts of substance abuse prevention.

**V. PROHIBITED CONDUCT**

- A. Employees charged with and convicted of use, possession, distribution, sale or being under the influence of narcotics, or other drugs and drug paraphernalia as defined in this policy may be subject to employee discipline. Employees may be placed on administrative leave pending resolution of criminal charges described above.
- B. Employee use, possession, distribution, or sale of drugs that are illegal under both state and federal law is prohibited.
- C. Employee use, possession, distribution or sale of alcohol is prohibited in all Weber School District facilities and property, at school district-sanctioned activities, or when employees are using vehicles owned or dispatched by the school district.
- D. Employee use, distribution or sale of tobacco or electronic cigarettes is prohibited in all Weber School District facilities and property, at school district-sanctioned activities, or when employees are using vehicles owned or dispatched by the school district.
- E. Being under the influence of a drug or narcotic or alcohol at school or a school district-sanctioned activity is prohibited.
- F. Failure of employees to report any and all drugs or narcotics to the Department of Transportation, where the employee’s job duties require a commercial driving license, is

prohibited. An employee must report any new drug or narcotics to the Department of Transportation when the employee begins taking the drug or narcotics. Failure to report any and all drugs or narcotics will result in employment discipline.

- G. Any use of drugs or narcotics that result in a positive drug test, including positive results for tetrahydrocannabinol (“THC”), is prohibited. This does include positive results for drugs or narcotics that are used in accordance with a legal prescription from a health care provider. A medical recommendation for cannabis or cannabis derivatives is not a legal prescription.

## **VI. DISCIPLINARY ACTION**

- A. Disciplinary action, independent of court action, will be taken against any employee that violates this policy, in accordance with Policy 7900.
- B. Employees may be subject to disciplinary action including immediate suspension and possible termination for violation of this policy.
- C. Disciplinary action may be based on information obtained by testing as described below but a positive drug test is not required for discipline for violations of this policy provided the district has credible evidence of a violation of this policy.
- D. If an employee who is required to report to the Department of Transportation all drugs and narcotics the employee is using subsequently tests positive for a drug or narcotic that the employee failed to disclose, the employee may be subject to discipline for failure to disclose.
- E. An employee who tests positive for THC is in violation of this policy and may be subject to discipline, regardless of whether the employee has a medical prescription and/or recommendation for a product that may contain THC.

## **VII. DRUG TESTING**

- A. Any employee may be required to submit to medically accepted testing to determine whether he or she is using a drug or narcotics or alcohol in violation of federal or state law, or district policy under the following circumstances:
  - 1. When, during work hours, there is reasonable suspicion that an employee is using or is under the influence of a drug, narcotic, or alcohol
  - 2. As a part of a post-accident investigation;
  - 3. Random testing in safety sensitive positions; or
  - 4. As part of a rehabilitation program.

- B. An employee who refuses to submit to drug or alcohol testing may be subject to disciplinary action.
- C. All drug and alcohol testing shall be conducted by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology and approved by the district. All drug or alcohol tests with positive results or a possible false positive result shall require a confirmation test.
- D. As provided above, disciplinary action may be taken against an employee if such testing establishes or supports evidence of a violation of this policy.

#### **VIII. GRIEVANCE PROCEDURE**

An employee who has been subject to disciplinary action taken under this policy may initiate grievance procedures as provided in the employee policies and procedures of the school district, subject to the provision of the appropriate employee agreement of the employee.

#### **IX. ASSISTANCE.**

- A. The school district desires to provide the following forms of assistance for any employee who acknowledges alcohol or drug abuse and desires assistance.
- B. Providing assistance to employees for current alcohol or drug abuse does not waive the district's right to discipline employees for violations of Section 5 of this Policy, or in accordance with Policy 7900.
  - 1. **Counseling.** Assistance to employees as it relates to alcohol or drug abuse will be given by providing information, counseling, and referral for appropriate treatment at the employee's expense of group health benefits that may apply.
  - 2. **Sick Leave.** Sick leave benefits may be utilized for alcoholism or drug abuse treatment to the same extent and in the same manner as for any other illness.
  - 3. **Referral.** Employees who acknowledge a dependency problem with alcohol or drugs should voluntarily seek information, counseling, and appropriate referral direction on a confidential basis. An employee's job security or employment shall not be jeopardized in any way by a request for information, counseling or referral assistance, provided this the provisions in Section 5 of this policy have not been violated

#### **X. COMPLIANCE**

- A. All employees of the district shall abide by the terms of this policy as a condition of employment.
- B. Employees shall notify the District Human Resources Office within 48 hours of any arrest or conviction for possession, manufacturing, sale, use, dispensing, or distribution of

drugs or other controlled substance.

- C. Employees shall also report within 48 hours any arrest or conviction related to supplying alcohol or tobacco to minors or related to driving under the influence of alcohol or other intoxicants.
- D. Failure to abide by and conform personal conduct to this policy will result in the disciplinary sanctions as provided herein.

Approved by the Board 1/6/2021