

****403 -Employee Drug and Alcohol Use.** This policy is updated to reflect updated legal references to United States Code, the Code of Federal Regulations, and Idaho Code. It also adds definitions related to drug-free workplaces as derived from federal regulations and clarifies the definition of alcohol with updated legal references.

This district recognizes the federal requirements to establish a “drug free workplace” and it does not tolerate drug or alcohol abuse by its employees. Employees are prohibited from manufacturing, dispensing, using, possessing, or distributing illegal drugs or alcohol on any school premises or at any school activity. Employees are further prohibited from being under the influence of illegal drugs or alcohol on any school premises or at any school activity.

The drug free workplace requirements extend to all property owned by the district, all activities sponsored by the district, and include any vehicle owned by this district.

DEFINITIONS

Award: Financial assistance provided to the district by the U.S. Department of Education or other federal agency, including grants or cooperative agreements in the form of money or property in lieu of money; or block grants or a grant in an entitlement program. The term “award” does not include any of the following: technical assistance that provides services instead of money; loans and loan guarantees; interest subsidies; insurance; direct appropriations; or veteran’s benefits to individuals.

Drug Free Workplace: A site for the performance of work done in connection with a specific award at which employees of the recipient are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

Illegal Drug Use: The use, possession or distribution of illegal drugs, or the abusive use of other drugs, or the use of alcohol on any school premises or at any school activity.

Illegal Drugs: Any controlled substances defined by Idaho Code §37-2701, or any other substance which is used to alter or change the mood of an individual, or anabolic steroids. The term “illegal drugs” does not include over the counter drugs or prescriptions prescribed by a doctor or dentist specifically for the person in possession of those drugs.

Under the Influence: This definition covers not only all well-known and easily recognized conditions and degrees of intoxication but any abnormal mental or physical condition which is the result of indulging to any degree in unlawful alcohol or illegal drugs, and which tends to deprive one of that clearness of mind and self-control of which he or she would otherwise possess.

Unlawful Alcohol: Any alcoholic beverage as defined by Idaho Code §§23-105, 23-1001, and 23-1303.

Unlawful Alcohol Use: The use, possession, or distribution of alcohol on any school premises or at any school activity.

Violations: The commission of an act of illegal drug use or unlawful alcohol use by a district employee.

DRUG-FREE AWARENESS PROGRAM

The district will establish a drug-free awareness program to inform employees about: (1) the dangers of drug abuse in the workplace; (2) the district's policy of maintaining a drug-free workplace; (3) any available drug counseling, rehabilitation, and employee assistance programs; and (4) the penalties that may be imposed upon employees for drug use violations.

Upon adoption of this policy or initial employment with the district, all employees will receive a copy of this policy.

EMPLOYEES WORKING IN FEDERAL GRANT PROGRAMS

Any employee working in the department or program responsible for the performance of a federal grant will, as a condition of employment, agree to abide by the terms of this policy and to notify the district of any criminal drug statute conviction for a violation occurring in the workplace. The employee must notify the district no later than five (5) days after such conviction.

Pursuant to the Drug-Free Workplace Act, the district will report, in writing, to the federal contracting or granting agency, within ten (10) days of receiving notice, that an employee has been convicted of a criminal drug statute for a violation occurring in the workplace.

A signed statement acknowledging receipt and understanding of, and agreement to abide by, this policy will be placed in the employee's personnel file.

DISCIPLINARY ACTION

1. Any employee who violates the terms of the district's drug and alcohol policy may be subject to disciplinary action, including, but not limited to, discharge, suspension, and/or referral for drug and alcohol abuse evaluation and rehabilitation, at the discretion of the board.
2. Notwithstanding the above paragraph, a district bus driver will be suspended from all duties pending investigation when reasonable suspicion exists that the driver may be under the influence of illegal drugs or alcohol. If a bus driver is found to have violated this policy, he or she will be immediately terminated from district employment and the incident will be reported to the State Department of Education. The board or designee will recommend license revocation to the Idaho Department of Transportation.
3. If reasonable suspicion exists that federal, state, or local laws have been violated, the

district will notify the appropriate law enforcement agencies.



LEGAL REFERENCE:

34 CFR §84.605

34 CFR §84.635

41 U.S.C. §701 *et seq.*, as amended (the Drug-Free Workplace Act of 1988)

Idaho Code Sections

23-105

23-1001

23-1303

33-513

33-517

37-270172-1701 *et seq.*

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**Language set forth in italics is optional.*