

**DRUG, TOBACCO, AND ALCOHOL-FREE WORKPLACE**

~~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 and alcohol-free workplaces is essential to school and district operations. No employee 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.

~~For the purpose of this policy, "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.~~

In the interest of the health and safety of students and employees, it is a violation of this policy for students, staff, parents, visitors, contractors and all others to use, distribute or sell tobacco, any non FDA approved tobacco or nicotine delivery products or devices including but not limited to, cigarettes, cigars, dip, hookah pens, e-cigarettes, and dissolvable nicotine products on District premises, at school-sponsored activities on or off District premises and in District-owned, rented or leased vehicles.

Tobacco possession is prohibited for all district students and visiting students, as well as for all other visitors under the age of 19.

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 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.

**DRUG, TOBACCO, AND ALCOHOL-FREE WORKPLACE (continued)**

The Superintendent shall:

1. Publish and give to each employee a notification of the ~~Board's policy mandating a drug-free and alcohol-free workplace~~ **above prohibitions**. The notification shall specify the actions that will be taken against employees who violate these prohibitions. ~~It also~~ **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 of any criminal drug or alcohol conviction for a violation occurring in the workplace. Such notice by the employee must be made within five (5) days from the date of the conviction.

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 ~~laws statutes, whether such finding is made following a trial or by entry of a plea of guilty or nolo contendere.~~

2. Establish a drug and alcohol awareness program to inform employees about:
  - a. The dangers of drug and alcohol abuse in the workplace.
  - b. The district policy of maintaining drug-free and alcohol-free workplaces.
  - c. Any available drug, **tobacco**, and alcohol counseling, rehabilitation, and employee assistance programs known to the district, **including the free Alaska Tobacco Quitline**.
  - d. The penalties that may be imposed on employees for drug and alcohol abuse violations.
3. Notify the appropriate federal granting or contracting agencies within ten days after receiving notification from an employee, or being notified otherwise, of any conviction for a violation occurring in the workplace.
4. Initiate disciplinary action within 30 days after receiving notice from an employee, or being otherwise notified of a conviction for a violation in the workplace. 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- and alcohol-free workplace throughout the district.

**DRUG, TOBACCO, AND ALCOHOL-FREE WORKPLACE (continued)**

In taking disciplinary action, the Board shall requires termination when termination is required by law. ~~When required by law, the Superintendent shall terminate an employee.~~ When termination is not required by law, the Superintendent or designee shall ~~(a) take appropriate~~ disciplinary action, up to and including termination when warranted, or ~~(b) shall~~ require the employee to satisfactorily participate in, and complete, ~~an approved~~ a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency, or a combination of both discipline and mandatory assistance 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 - Safety)*

*(cf. 4117.4 - Dismissal)*

*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*

*(cf. 4159 - Employee Assistance Programs)*

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

*(cf. 4218.1 - Drug and Alcohol Testing for School Bus Drivers)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*Legal Reference:*

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

20 U.S.C 7111

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

~~21~~ CODE OF FEDERAL REGULATIONS

21 CFR 1300.~~1~~1300.151316

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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