

1 **Browning Public Schools**

2  
3 Policy #5110

4 Policy Name: *Drug-Free Workplace*

5 Regulation: -----

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7 **Purpose**

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9 The Board of Trustees of School District No. 9 acknowledges that the use and abuse of drugs and  
10 alcohol within the school community significantly detracts from the District’s ability to provide an  
11 environment which maximizes student learning. Employee use or abuse in work related settings of  
12 alcohol or illegal drugs constitutes an unacceptable threat to the health, safety and well being of, not  
13 only the individual(s) directly involved, but, the parents and students of our community who are our  
14 customers. In response to these concerns, the District hereby formally adopts a *Zero Tolerance*  
15 *Policy* with regard to the use and abuse of alcohol and drugs for all employees. Observance of this  
16 policy, as described below, is a condition of employment with Browning Public Schools.

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18 **Zero Tolerance**

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20 “Zero Tolerance” means the Board will not tolerate any violation of this policy no matter how small  
21 or inconsequential, i.e., penalties will be the same regardless of the magnitude of the violation.

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23 No employee of the District shall unlawfully manufacture, distribute, dispense, possess or use on or  
24 in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any  
25 other controlled substance, as defined in schedules I through V of section 202 of the Controlled  
26 Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 CFR 1300.11 through  
27 1300.15. 30 Marijuana is included in this definition because individuals are prohibited from  
28 possessing, consuming, or storing marijuana or marijuana paraphernalia on the grounds of any  
29 property owned or leased by a school district, a public or private preschool, school, or postsecondary  
30 school or in a school bus; marijuana cannot be smoked in a location where smoking tobacco is  
31 prohibited; and marijuana consumed in a manner that endangers others is prohibited in accordance  
32 with Montana law. "Workplace" is defined to mean the site for the performance of work of the  
33 District. That includes any place where work is performed, including a school building or other  
34 District premises and attendance of out-of-district training or conferences; any District-owned  
35 vehicle or any other District-approved vehicle used to transport students to and from school or school  
36 activities; off school property during any school-sponsored or school-approved activity, event or  
37 function, such as a field trip or athletic event, where students are under the jurisdiction of the  
38 District.

39  
40 As a condition of employment, each employee shall notify his or her supervisor of his or her  
41 conviction of any criminal drug statute for a violation occurring in the workplace as defined above.  
42 Such notification shall be provided no later than five (5) *calendar* days after such conviction. As a  
43 condition of employment, each employee shall abide by the terms of the District policy respecting a  
44 drug-free workplace.

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46 **Employee Assistance**

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48 Employees may, at their discretion, contact their immediate supervisor to request assistance with  
49 drug and alcohol use/abuse issues that potentially compromise their employment with the District. If,  
50 in the judgment of the superintendent or his or her designee, an assessment from a certified drug and

1 alcohol counselor confirms a need for treatment at a chemical dependency facility, the employee  
2 may utilize sick/annual leave to the extent that he or she has accumulated leave: all excess days  
3 utilized for treatment will be without pay. The District assumes no financial obligation for any  
4 portion of treatment expense. Employees are expected to complete the chemical dependency  
5 program prior to returning to their jobs. Nothing herein should be construed to remove the burden  
6 from the employee for adhering to all conditions set forth in the *Zero Tolerance Policy* described  
7 above.

## 8 9 **Sanctions**

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11 *Recommendations for dismissal made by the superintendent to the Board which factually establish a*  
12 *violation of the "Zero Tolerance" policy and are consistent with appropriate due process will result*  
13 *in termination of employment.* Employee conduct related to violations of this policy which result in  
14 a recommendation for dismissal will be referred to appropriate law enforcement agencies.  
15 Employees will not be allowed to participate in an approved drug or alcohol abuse assistance or  
16 rehabilitation program as an alternative to discharge. A temporary employee or short-term worker  
17 who violates this policy will not be recalled to work with the District and will be removed from the  
18 eligibility list.

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20 Adult volunteers, chaperones or others serving in any capacity of non-paid assistance to the District  
21 suspected of being in violation of this policy will be subject to termination from all current and  
22 future involvement with the Browning Public Schools. An independent contractor or his or her  
23 employee who violates this policy will be prohibited from providing further services to the District.

24  
25 Recognizing that the employees of Browning Public Schools are one of its valuable resources, the  
26 Board of Education encourages employees to seek assistance from an appropriate alcohol or drug  
27 assistance program prior to any incident involving the employee in the manufacture, use, possession,  
28 sale, transfer or distribution of alcoholic beverages or illegal drugs while on the job, on District  
29 property, or using District vehicles.

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31 *Arrest:* In the event an employee is arrested and charged in violation of this policy, the  
32 superintendent or his/her designee will:

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- 34 • suspend a permanent employee with full pay and benefits and without loss of status until  
35 (a) the charges are dismissed or withdrawn, (b) the employee submits a written resignation,  
36 (c) the employee is recommended for termination by the superintendent, or (d) the  
37 employee is convicted or enters a guilty or similar plea to the charges,
  - 38 • not permit a temporary employee or short-term worker to be recalled to work with the  
39 District upon receiving notice that such charges have been filed. The employee will not be  
40 eligible for recall with the District until the charges are dismissed or withdrawn.
  - 41 • pursuant to federal law, notify the appropriate federal agencies within ten days after  
42 receiving notice of any employee who has a conviction if there is a relationship between  
43 the federal funds received by the District and the work site of the convicted employee. An  
44 employee who is convicted or pleads "no contest" under any criminal drug statute for a  
45 violation occurring in the workplace shall notify the superintendent's office no later than  
46 five days after the conviction.

47  
48 An independent contractor or his or her employee arrested and charged in violation of this policy  
49 will be suspended from providing services to the District until the charges are dismissed or  
50 withdrawn.

1 **Procedures**

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3 The Superintendent or his or her designee shall verify that each employee has been notified of this  
4 policy when hired by the District and shall be required to verify that such notification has been given  
5 to all current employees. All employees shall acknowledge, in writing, receipt of a copy of this  
6 policy.

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8 The Superintendent or his or her designee shall establish an awareness program to inform employees  
9 about (1) the dangers of drug and alcohol abuse, (2) the Board’s policy of maintaining a drug and  
10 alcohol-free workplace, (3) available drug and alcohol counseling, rehabilitation, and employee  
11 assistance programs, and (4) the penalties that will be imposed upon employees for drug and alcohol  
12 abuse violations occurring in the workplace as a result of this “Zero Tolerance” policy adopted by  
13 the Board of Trustees.

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15 The Board shall conduct an annual review of its drug and alcohol abuse prevention program to  
16 determine its effectiveness, to implement required changes, and to ensure that disciplinary sanctions  
17 are consistently enforced.

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19 The Superintendent is directed to establish procedures to implement this policy.

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24 **Cross References:** #5030 Definitions, Personnel Policies

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26 **Legal References:** 41 USC 701, et seq. Drug Free Workplace

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21 USC 812, et. seq. Controlled Substances Act (21 CFR 1300.11-15)

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Initiative 190 – “Montana Marijuana Regulation and Taxation Act.”

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January 1, 2021

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31 **Policy History:**

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Adopted on: 3/13/01

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Amended on: 11/8/05, 4/26/14, 2/9/21