

1 **MTSBA**

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3 **Policy # 5226**

4 **Policy Name: Drug Free Workplace**

5 **Regulation:** -----

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7 All District workplaces are drug- and alcohol-free. All employees are prohibited from:

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9 • Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the
10 influence of a controlled substance while on District premises or while performing work for the
11 District, ~~including employees possessing a “medical marijuana” card~~ or;
12 • Distributing, consuming, using, possessing, or being under the influence of alcohol while on
13 District premises or while performing work for the District.
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15 For purposes of this policy, a controlled substance is defined as ~~one that is:~~

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17 • Not legally obtainable;
18 • Being used in a manner other than as prescribed;
19 • Legally obtainable but has not been legally obtained;
20 • marijuana or marijuana paraphernalia that is possessed or consumed on the grounds of any
21 property owned or leased by a school district, a public or private preschool, school, or
22 postsecondary school or in a school bus;
23 • marijuana purchased, consumed, transported, possessed, or used of by a person under 21 years of
24 age;
25 • marijuana smoked in a location where smoking tobacco is prohibited;
26 • marijuana consumed in a manner that endangers others; or
27 • Referenced in federal or state controlled-substance acts.
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29 As a condition of employment, each employee will:

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31 • Abide by the terms of the District policy respecting a drug- and alcohol-free workplace; and
32 • Notify his or her supervisor of his or her conviction under any criminal drug statute, for a
33 violation occurring on District premises or while performing work for the District, no later than
34 five (5) days after such conviction.
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36 In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor
37 to:

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39 • Provide each employee with a copy of the District drug and alcohol-free workplace policy;
40 • Post notice of the District drug- and alcohol-free workplace policy in a place where other
41 information for employees is posted;
42 • Enlist the aid of community and state agencies with drug and alcohol informational and
43 rehabilitation programs, to provide information to District employees; and
44 • Inform employees of available drug and alcohol counseling, rehabilitation, reentry, and any
45 employee-assistance programs.
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1 **District Action Upon Violation of Policy**
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3 An employee who violates this policy may be subject to disciplinary action; up to and including
4 termination of employment. Alternatively, the Board may require an employee to successfully
5 complete an appropriate drug or alcohol-abuse, employee-assistance rehabilitation program.
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7 The Board will take disciplinary action with respect to an employee convicted of a drug offense in
8 the workplace, within thirty (30) days of receiving notice of a conviction.
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10 Should District employees be engaged in the performance of work under a federal contract or grant,
11 or under a state contract or grant, the Superintendent will notify the appropriate state or federal
12 agency from which the District receives contract or grant moneys of an employee's conviction,
13 within ten (10) days after receiving notice of the conviction.
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17 **Legal Reference:** 41 U.S.C. §§ 702, 703, 706 Drug-free workplace requirements for Federal grant
18 recipients
19 Initiative 190 – “Montana Marijuana Regulation and Taxation Act.” January 1,
20 2021
21 *Johnson v. Columbia Falls Aluminum Company LLC, 2009 MT 108N.* —
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23 **Policy History:**

24 Adopted on:

25 Reviewed on:

26 Revised on: