

Parkrose School District 3

**** In OSBA but not Parkrose
**** Change in OSBA

Code: GBEC
Adopted: 10/23/95
Revised 03/13/00

DRUG-FREE WORKPLACE

The district shall provide a drug-free workplace.

1. Definitions

- a. “Controlled substance”: A controlled substance shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or other controlled substance.
- b. “Alcohol”: Alcohol shall include any form of alcohol *for consumption*, including ~~but not limited to~~ beer, wine, wine coolers, or liquor.
- c. “Conviction”: A finding of guilt (including a plea of no contest) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
- d. “Criminal drug statute”: A federal or state criminal statute involving the manufacture, distribution, dispensation, possession, or use of any controlled substance or alcohol.
- e. “Drug-free workplace”: A site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol.

2. Purpose

The purpose of this policy is to promote safety, health, and efficiency by prohibiting, in the workplace, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol.

3. Applicability

This policy applies to all employees, including, but not limited to, those exempt, unclassified, management service, classified and temporary employees who are paid directly or indirectly from funds received under a federal grant or contract.

4. Prohibitions

An employee shall not, in the workplace, unlawfully manufacture, distribute, dispense, possess or use a controlled substance or alcohol.

5. *No district employee shall knowingly sell, market, or distribute steroid or performance substances to kindergarten through grade 12 students with whom the employee has contact as part of the employee’s district duties; or knowingly endorse or suggest the use of such drugs.*

56. Compliance with Policy¹

An employee shall, as a condition of employment, abide by the provisions of this policy.

67. Sanctions and Remedies¹

~~a. The district, upon having reasonable suspicion, under Section VII of this policy, or upon determining that an employee has engaged in the unlawful (1) manufactured, distributed, dispensation, or possession, or been under the influence of a controlled substance or alcohol or upon having reasonable suspicion, under section 7 of this policy, or employee unlawful use of a controlled substance or alcohol in the workplace, at any time, or (2) manufactured, distributed, dispensed, used, posses, or otherwise been under the influence of alcohol at the workplace, shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take action with regard to the employee determined to be appropriate which may include, including but not limited to transfer, suspension or granting of leave with or without pay or suspension with or without pay, and termination.”~~

~~b. The district may at any time make a determination as to an employee’s conduct with regard to the prohibition in paragraph 1.A., and may take any action determined to be appropriate, up to and including termination, even for a first time offense.”~~

~~c. The district may impose a disciplinary action less than discharge. However, this is a matter of district discretion, and the district shall not be obligated to provide last change agreements or other return to work agreements for any employee.”~~

b. Within 30 days of an employee's criminal drug statute conviction for a violation occurring in the workplace, the district shall:

- (1) Take action with regard to the employee determined to be appropriate which may include discipline up to and including termination and/or;
- (2) Require satisfactory participation by the employee in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other appropriate agency.

~~3. The district reserves the right, with prior notice and reasonable suspicion, to conduct searches on district property of employees and/or their personal property which is on the district's premises.~~

¹ Districts directly receiving grants or contracts of \$100,000 or more from the federal government are required to meet this obligation.

~~The district also reserves the right, with prior notice and reasonable suspicion, to conduct searches of district property, vehicles or equipment at any time. A refusal to submit to a search may result in disciplinary action, up to and including dismissal.~~

78. Basis for Reasonable Suspicion of Employee Use of Controlled Substance/Alcohol

Reasonable suspicion of employee use of an unlawful controlled substance or alcohol shall be based upon any of the following:

- a. Observed abnormal behavior or impairment in mental or physical performance (for example, slurred speech or difficulty walking);
- b. Direct observation of use in the workplace;
- c. The opinion of a medical professional;
- d. Reliable information concerning use in the workplace, the reliability of any such information shall be determined by the employer;
- e. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.

89. *Employee Assistance Program*

An employee having a drug or alcohol problem is encouraged to seek assistance, on a confidential basis, under the Employee Assistance Program if such program is provided by the employer.

910. Leave for Participation in Abuse Assistance or Rehabilitation Program

The district shall, upon employee request, grant leave with or without pay to permit an employee to participate in a drug abuse assistance or rehabilitation program.

1011. Establishment of Drug-Free Awareness Program:

The district shall establish a drug-free awareness program to inform employees of the:

1. Dangers of drug abuse in the workplace;
2. Existence of and content of this policy for maintaining a drug-free workplace;
3. Availability of drug-counseling, rehabilitation, and employee assistance programs; and
4. Penalties that may be imposed for drug abuse violations occurring in the workplace.

1112. Notification by Employee of Conviction¹

An employee shall, as a condition of employment, notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than five days

after such conviction.

~~12~~13. Notification by Parkrose School District of Employee Conviction:

The district shall notify the appropriate Federal granting or contracting agency of an employee's criminal drug statute conviction for a violation occurring in the workplace no later than ten (10) days after receiving notice of such conviction.

~~13~~14. Provision of Copy of Policy to Employees:

The district shall provide to each employee a copy of this policy.

END OF POLICY

Legal References:

ORS 243.650

ORS 657.176

~~OAR 581-21-050~~

ORS 336.222

ORS 809.260

~~OAR 581-21-055~~

ORS Chapter 475

~~SB 517 (2007)~~

~~OAR 580-020-0040(5)(3)~~

~~Safe and Drug-Free Schools and Communities Act of 1986, P.L. 99-570, 102 Stat. 418 et. seq.~~

~~Anti-Drug Abuse Act of 1988, P.L. 100-690, 102 Stat. 418 et. seq.~~

~~Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707 (2006); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 85.600-85.645 (2006), P.L. 100-690, Title V, Subtitle D, Sections 5151-5160, 102 Stat. 4305-4308.~~

~~Controlled Substances Act, 21 U.S.C. § 812, Section 202, schedules I through V, 21 C.F.R. 1300.11 through 1300.15; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2006).~~

~~Drug-Free Schools and Communities Act Amendments of 1989, P.L. 101-226, 103 Stat. 1928 et. seq.~~