

Greater Albany SD 8J
Board Policy

Code: **GBEC**
Adopted: 1/14/91
Revised/Readopted: 3/12/01, 6/23/08
Orig. Code(s): BP 1737

Alcohol/Controlled Substance Use

The following conduct is strictly prohibited and will subject an employee to immediate discipline, up to and including termination.

1. The buying, selling, possessing, using, or providing of intoxicants, including alcohol, or any controlled substances as defined by law while on district property, during work hours (including meal periods), while assigned to extra duty or special projects, including those held after or in addition to regular school hours and while driving between worksites during the workday in either a district-supplied vehicle or a vehicle supplied by the employee.
2. Reporting for work with the presence of alcohol, intoxicants or any controlled substance in his/her system. An individual is considered to be “under the influence of alcohol, intoxicants and/or a controlled substance” when, in the district’s determination, the controlled substance, alcohol or intoxicant is at a level that impairs the individual’s ability to safely and/or efficiently perform assigned work.

The appropriate use of legally prescribed drugs is not prohibited. However, in the event an employee is performing work-related duties involving the operation of vehicles, heavy equipment, or machinery, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected shall be reported to supervisory personnel and medical advice shall be sought, as appropriate.

3. Failure to notify the Human Resources Director or designee of any convictions for a drug or alcohol violation occurring at the work place within five days of the conviction will result in immediate termination.

If the district has reasonable grounds to believe that an employee has the presence of intoxicants, including alcohol or any controlled substance in his/her system, the district may require employees to submit to testing by trained medical personnel. The employee will be given an opportunity to consult with representation if requested. Refusal to submit to such tests may result in disciplinary action, up to and including dismissal. For purposes of this policy “reasonable grounds or suspicion” may include, but is not limited to, observance of:

- a. Reasonable specific contemporaneous, articulate observation made by a supervisor concerning appearance, behavior, speech, or body odors indicative of employee use of drugs or alcohol, such as erratic job performance that includes slurred speech and/or stumbling; or
- b. An eye-witness report to a supervisor of an employee’s use or possession of illegal drugs or alcohol; or
- c. Other evidence of drug or alcohol use at the work site, such as containers, paraphernalia, or residue that is determined to be the property of the employee; or

- d. Is responsible for a significant work-related accident where there is a property damage or an injury to the district employee or another individual.
- e. Repeated patterns of job performance problems such as absenteeism, frequent accidents, tardiness, workplace conflicts, and/or anger outbursts may be indicators of substance abuse, but cannot be regarded as proof on their own.

The district also reserves the right to conduct searches of any district property, including district vehicles and equipment, at any time.

The administration will develop appropriate regulations, procedures, consent forms and such notifications as are needed for an orderly implementation of this policy.

4. Awareness Program

- a. A copy of this policy shall be distributed to each district employee.
- b. The district shall post notice of this policy in visible workplaces throughout the district and shall provide notice of the following:
 - (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 or employee assistance programs; and
 - (4) Notice of the penalties that may be imposed upon employees for drug abuse violations in the workplace.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 657.176](#)

SB 517 (2007)

[ORS 336.222](#)

[ORS 809.260](#)

[OAR 584-020-0040\(5\)\(e\)](#)

[ORS Chapter 475](#)

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).

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).