

## Alcohol and Drug-Free Workplace

It shall be the policy of the district to provide an alcohol- and 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. “Alcohol- and Drug-free workplace:” A site for the performance of work at which employees are prohibited from engaging in the manufacture, distribution, dispensation, possession, or use of alcohol or a controlled substance.

### 2. Purpose

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

### 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, use or be under the influence of alcohol or a controlled substance.

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

5. Compliance with Policy

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

6. Sanctions and Remedies

- a. The district, upon determining an employee is in possession of alcohol or a controlled substance or upon having reasonable suspicion, under Section 7 of this policy, of employee use of alcohol or a controlled substance in the workplace, shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take action with regard to the employee up to and including termination.
- 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 an alcohol or a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state, or local health, law enforcement, or other appropriate agency.
- c. The district, upon determining an employee has engaged in the unlawful manufacture, distribution, or dispensation of a controlled substance, will suspend the employee and report them to the proper authorities. Within 30 days of an employee's criminal drug statute conviction for a violation occurring in the workplace, the district shall take action with regard to the employee determined to be appropriate which may include discipline up to and including termination.

7. Basis for Reasonable Suspicion of Employee Use of Alcohol or a Controlled Substance

Reasonable suspicion of employee use of alcohol or a controlled substance 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 employer shall determine the reliability of any such information concerning use in the workplace;
- e. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.

If the district has reasonable suspicion of an employee using alcohol or a controlled substance in the workplace, the district may immediately require the employee to submit to an alcohol or drug test. An employee refusal to consent to such test may be grounds for discipline up to and including dismissal.

An employee having a drug or alcohol problem is encouraged to seek assistance.

8. Leave for Participation in Abuse Assistance or Rehabilitation Program

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

9. Establishment of Alcohol - and Drug-Free Awareness Program

The district shall establish an alcohol- and drug-free awareness program to inform employees of the:

- a. Dangers of alcohol use or drug abuse in the workplace;
- b. Existence of and content of this policy for maintaining an alcohol- and drug-free workplace;
- c. Availability of alcohol and drug counseling, rehabilitation, and employee assistance programs; and
- d. Penalties that may be imposed for alcohol or drug abuse violations occurring in the workplace.

10. District Review of Program

The district will review biennially its program pertaining to the prevention of the possession, use, or distribution of illicit drugs and the abuse of alcohol by employees to determine its effectiveness and to implement appropriate changes.

11. Notification of Employee of Conviction

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. Notification by the 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 days after receiving notice of such conviction.

## 12. Provision of Copy of Policy to Employees

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

END OF POLICY

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### Legal Reference(s):

[ORS 243.650](#)

[ORS 336.222](#)

[ORS Chapter 475](#)

[ORS 342.721](#)

[ORS 342.723](#)

[ORS 342.726](#)

[ORS 657.176](#)

[ORS 809.260](#)

[OAR 581-022-0416](#)

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

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).