

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, transporting, 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 any detectable level that it may impair the individual’s ability to safely and/or efficiently perform assigned work OR prevent the employee from presenting a positive role model to students.

The appropriate use of legally prescribed drugs is not prohibited. However, in the event an employee is performing work-related duties such as 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 immediate testing by trained medical personnel. Refusal to submit immediately 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;
- b. Repeated patterns of job performance problems such as absenteeism, tardiness, workplace conflicts, and/or anger outbursts;
- c. An eye-witness report to a supervisor of an employee’s use or possession of drugs or alcohol;
or

d. Involvement in a work-related accident.

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

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

END OF POLICY

Legal Reference(s):

[ORS Chapter 475](#)
[ORS 657.176](#)
[ORS 659.840](#)
[ORS 659A.300](#)

[OAR 581-053-0220\(3\)\(h\)](#)
[OAR 581-053-0230\(9\)\(t\)](#)
[OAR 581-053-0330\(1\)\(n\),\(o\)](#)
[OAR 581-053-0420\(3\)\(c\)](#)
[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)
[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)
[OAR 581-053-0620\(1\)\(s\)](#)
[OAR 584-020-0040](#)
[OAR 839-006-0200 to -0265](#)

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Americans with Disabilities Act Amendments Act of 2008.

Cross Reference(s):

GBEC - Drug-Free Workplace