

Drug, Tobacco, and Alcohol Abuse by Employees

Philosophy

The board believes that all students have the right to learn in an atmosphere that is conducive to their success. The abuse of drugs, tobacco and alcohol by employees will have a deleterious effect on the ability of the student to learn and on the ability of the staff to provide a meaningful educational program. The district intends to provide a safe work environment and encourage personal health. Therefore, this district considers the use or abuse of drugs, tobacco, or alcohol on the job by employees to be an unsafe and detrimental work practice.

With respect to the use and abuse of chemicals, all district employees are responsible to act as role models for students, and shall, as a condition of employment, abide by the provisions of this policy.

Prohibited Conduct

1. The possession, use, or distribution of illicit drugs and alcohol on school premises or as a part of any of the district's activities is prohibited.
2. Any employee who admits to the use of alcohol or illegal drugs while at work or just prior to work or is observed using alcohol or illegal drugs while at work or just prior to the workday or who possesses, sells, trades, or offers for sale illegal drugs in the workplace during working hours, may be subject to disciplinary action up to and including dismissal and referral for prosecution.
 - a. "Drugs" shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance. Alcohol shall include any form of alcohol for consumption, including beer, wine, wine coolers, or liquor.
 - b. "Workplace" shall mean the site for the performance of work done for the district. This includes any district building or any district-approved vehicle (including the employee's own vehicle) used to transport students or fellow employees to and from school or school activities or to transport fellow workers to and from different work sites; off-school property during any district sponsored or district-approved activity, event or function, such as field trip or athletic event, where students are under the jurisdiction of the district.
3. No staff member is permitted to smoke, inhale, dip or chew or sell tobacco at any time, including non-school hours in any building facility, or vehicle owned, leased, rented, or chartered by the school district, school, or public charter school; or an school grounds, athletic grounds, or parking lots, for the purposes of this policy "tobacco" is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking products, and spit tobacco, also known as smokeless, dip, chew, and snuff, in any form. Staff violations of this policy will lead to disciplinary

action up to and including dismissal. The superintendent will develop a plan for implementation of this policy.

Prescription Medication

Any employee who is under the treatment of a physician and who must bring prescription medicines to the workplace shall carry the medicines in the original container bearing the name of the drug, the name of the physician, and the prescribed dosage.

Notice Regarding Violation of Criminal Drug Statutes¹

Any employee who is convicted of any violation of criminal drug statutes occurring in the workplace is required to notify the director of human resources no later than five (5) days after the conviction.

Reporting the Use or Presence of Tobacco, Drugs or Alcohol

Any employee who is aware of the use of tobacco, drugs or alcohol by employees or the presence of controlled substances on district property, in district vehicles, or at school-sponsored activities is encouraged to bring such information to the attention of his or her immediate supervisor or the director of human resources.

Employee Counseling

It is the responsibility of the employee's supervisor to counsel with an employee and/or to refer the employee to the human resources department for appropriate counseling whenever changes in performance are observed that suggest an employee may have a problem with drugs or alcohol. The supervisor or the human resources department may suggest that the employee voluntarily seek help.

Awareness

The administration will make copies of this policy available to each employee annually and will periodically provide information about the dangers of tobacco, drug, and alcohol abuse in and outside of the workplace.

Procedures

The procedures for implementing this policy will be established by administrative rule and shall include a biennial review of the district's program. This policy does not provide for drug testing of employees. Any policy establishing a districtwide employee drug testing program will require prior approval by the board and will not include random testing of employees unless the district has reasonable suspicion that an employee's use or abuse of alcohol or illegal drugs is in violation of this policy.

Drug and Alcohol Testing for Commercially Licensed Drivers

In a continuing effort to prevent accidents and injuries that might result from the misuse of drugs and alcohol by district drivers who are required to hold commercial licenses, the superintendent will establish and maintain administrative rules that comply with the requirements of the federal Omnibus Transportation Employee Testing Act of 1991 and Federal Motor Carrier Safety Administration rules.

END OF POLICY

Legal Reference(s):

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

[OAR 581-053-0015](#)
[OAR 581-053-0545 \(4\)\(c\)\(R,S,T\)](#)
[OAR 581-053-0550 \(5\)\(t,u,v\)](#)

[OAR 584-020-0040](#)
[OAR 839-006-0200 to -0265](#)

Controlled Substances Act, 21 U.S.C. Section 812, schedules I through V, 21 CFR 1308.11-1308.15 (2000).
Americans with Disabilities Act of 1990, 42 U.S.C., Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).