

Hermiston School District 8R

Code: **GBEC**
Adopted: 1/08/08
Revised/Readopted: 7/10/17
Orig. Code(s): GBEC

Drug-Free Workplace

The district is committed to do all that it can to foster and maintain a drug-free workplace and all district employees are expected to recognize that, as adults with extensive contact with students as part of their jobs, they must conduct themselves as appropriate role models for students at all times. To that end, the unlawful manufacture, distribution, dispensation, possession or use of alcohol and/or use of a controlled or illegal substance(s) (drugs) as defined by Schedules I through V of the Controlled Substances Act (21 U.S.C. Section 812) and as further defined by regulation at 21 CFR 1308.11 - 1308.15; and Oregon Revised Statute (ORS) 475.005 through 475.285 and prohibited drug paraphernalia as defined in ORS 475.525, regardless of quantity, is prohibited in our workplace except as prescribed by a physician and used as directed.

Violations of this work rule may subject an employee to disciplinary action up to and including dismissal, immediate suspension without pay, referral to appropriate authorities for prosecution or a requirement that the employee participate, satisfactorily, in a drug assistance or rehabilitation program as the district shall determine at its discretion and shall not be at the district's expense. Failure to satisfactorily complete a treatment program may result in the employee's suspension or termination of employment. Where there is reasonable cause to believe employees are using or are under the influence of alcohol or controlled or illegal substance(s) (drugs), employees may be required to take a drug test, at district expense, to prove or disprove use. Refusal to submit to the drug test may subject the employee to disciplinary action.¹

“Workplace” is defined to mean the site for the performance of work done in connection with assigned or authorized responsibilities and/or work done in connection with federal grants or contracts on or off school property. That includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the district where work on a federal grant is performed.

Certain provisions of this policy do not apply to a licensed teacher, or educational assistant under the direction of the teacher, who is carrying out a district-approved instructional assignment using alcohol and/or other controlled substances.

As a mandatory condition of continuing employment, all district employees must abide by this work rule and also notify the district office administration of any criminal drug/alcohol statute conviction based on any violation in the workplace no later than five days after such conviction. Failure to report such conviction shall result in disciplinary action.

¹Districts directly receiving grants or contracts from the federal government are required to meet this obligation.

The district encourages any employee with a substance abuse problem to seek professional assistance for counseling or rehabilitation. The district stands ready to assist in that process where appropriate. The district shall inform all district employees of this policy and the drug-free workplace awareness program annually at a staff meeting and/or by publishing this policy and related material in a staff handbook or communication to all staff members or when newly hired during the school year. Notification of receipt of the policy information will be maintained in the district office personnel files.¹

The drug-free workplace awareness program shall include:

1. A copy of the district's policy;
2. Information about the dangers of drug and alcohol abuse;
3. Information about laws pertaining to alcohol, controlled substances and prohibited equipment;
4. Information about drug and alcohol abuse counseling and rehabilitation programs which may be available from outside service providers;
5. Information regarding the consequences of violating the district's policy;
6. Mandatory compliance with the policy.²

The district will establish a biennial review of the drug/alcohol prevention program to determine its effectiveness and to implement changes to the program if needed; and to ensure that the disciplinary sanctions are consistently enforced.

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.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 336.222](#)
[ORS 342.721](#)
[ORS 342.723](#)

[ORS 342.726](#)
[ORS Chapter 475](#)
[ORS 657.176](#)

[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).

²Ibid. p. 1