

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 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. **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 a controlled substance or alcohol.

2. Purpose

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

3. Applicability

These procedures apply to all employees, including, but not limited to, those exempt, unclassified, management service, classified, licensed, and temporary employees who are paid directly or indirectly from funds received under a Federal grant or contract.

4. Prohibitions

An employee shall not, on or in the workplace, manufacture, distribute, dispense, possess, or use a controlled substance or alcohol.

5. Compliance with this Policy

An employee shall, as a condition of employment, abide by the provisions of these procedures.

6. Sanctions and Remedies

- a. The district, upon determining that an employee has engaged in the manufacture, distribution, dispensation, use or possession of a controlled substance or alcohol or upon having reasonable suspicion, as defined within this policy, shall take action with regard to the employee

determined to be appropriate including but not limited to transfer, grant of leave without pay, suspension with or without pay, discipline or dismissal.

- 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 dismissal and/or;
 - (2) Require satisfactory participation by the employee in a drug abuse assistance or rehabilitation program approved for such purpose by a Federal, State, or local health, law enforcement, or other appropriate agency.

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

Reasonable suspicion of employee use of a controlled substance or alcohol may include, but is not limited to any of the following:

- a. Observations made by a supervisor or another source with a reasonable, reliable report regarding employee behavior, appearance, speech or other reasonable and articulable information indicating use.
- b. Direct observation of use in the workplace.
- c. Documented medical evidence of use associated with the workplace.
- d. Other reliable information concerning use in the workplace, with reliability to be determined by the employer.
- e. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.

8. Reasonable Suspicion Testing

The district shall conduct reasonable suspicion drug and alcohol testing as follows:

- a. The district will test employees whenever there is reasonable suspicion to believe that the employee has engaged in drug use or alcohol use or misuse;
- b. If alcohol testing is not administered within eight hours, the district will cease attempts to administer an alcohol test and will prepare and maintain a record specifying why the test was not administered;
- c. A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the administrator and/or supervisors of the observed behavior or before the results of the drug test are released, whichever is earlier;
- d. The district will ensure that the employee under reasonable suspicion is transported to the designated collection or testing site.
- e. A refusal to submit to alcohol testing or drug testing, upon reasonable suspicion, shall result in a presumption and a determination by the district that the employee was under the influence of alcohol or drugs, as appropriate, and may result in the discipline or dismissal of the employee.

9. Positive Test(s)

- a. A positive test for a controlled substance or a positive alcohol test of 0.02 alcohol concentration or greater will be considered a violation of district policy.
- b. A failed test as determined by the tester, will be considered.

- c. A failure to comply with the testing protocols, as determined by the tester, will be deemed a positive test. Contaminating or tampering with the test process or with a test sample will be considered a positive test. A refusal to be tested will be considered a positive test. An employee with a positive test may be disciplined, up to and including dismissal. The employee will be provided with the results of the test.

10. Drug and Alcohol Testing

- a. The district shall contact with facilities that are qualified to provide drug and/or alcohol testing to screen employees.
- b. At the discretion of the district, alcohol screening tests may be done by an ODOT evidential breath testing device (e.g., breathalyzer). The screening will be done by the Human Resources Director or designee, and the screener will be trained to perform the screening fo the device.
- c. An alcohol test result will be considered positive even if over-the-counter or legally prescribed medication is involved.

11. Record Keeping

The district shall maintain records as follows:

- a. Records related to the collection process:
 - (1) Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol testing;
 - (2) Documents verifying the existence of an explanation of the inability of an employee to provide adequate breath or to provide a urine specimen for testing;
- b. Records related to an employee's test results, including:
 - (1) The district's copy of the alcohol test form, including the test results;
 - (2) The district's copy of the controlled substance test chain-of-custody and control form;
 - (3) Documents sent by a qualified testing facility to the district;
 - (4) Documents related to the refusal of any employee to submit to drug and/or alcohol testing;
 - (5) Documents presented by an employee to dispute the results of a drug and/or alcohol test.
 - (6) Records of negative and canceled drug testing results.
- c. An employee having a drug or alcohol problem is encouraged to seek assistance, on a confidential basis, under the Employee Assistance Program available through the district's insurer.

12. Leave for Participation in Abuse Assistance or Rehabilitation Program

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

13. Establishment of Drug-Free Awareness Program

The district will establish a drug-free awareness program to inform employees of the:

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

14. Notification by 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.

15. 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.

**NOTICE TO EMPLOYEES ENGAGED IN WORK ON FEDERAL GRANTS
OR CONTRACTS OF \$100,000 OR MORE**

YOU ARE HEREBY NOTIFIED that it is a violation of the policy of the Klamath County School District for any employee to unlawfully manufacture, distribute, dispense, possess or use in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 USC 812) and as further defined by regulation at 21 CFR 1300.11 through 1300.15.

“Workplace is defined as the site for the performance of work done in connection with a federal grant. That includes any place where work on a school district federal grant is performed, including a school building or other 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 school district.”

YOU ARE FURTHER NOTIFIED that it is a condition of your continued employment in connection with any direct federal grant or contract of \$100,000 or more that you will comply with the above policy of the district and will notify your supervisor of your conviction of any criminal drug statute based on conduct occurring in the workplace, no later than 5 days after such conviction.

Any employee who violates the terms of the district’s drug-free workplace policy may have his/her employment suspended, his/her contract non-renewed, or non-extended, or be dismissed, at the discretion of the Board.