

Alcohol/Controlled Substance Use

Definitions

1. The terms used in these rules shall have the same meaning as in Board policy GBCBA.
2. “Work site” as used in Board Policy GBEC shall be interpreted consistently with the terms “MESD premises” and “MESD vehicle” as defined in GBK-AR. Any building, structure, vehicle or property (including parking lots), or part thereof, owned or possessed by MESD or any other location at which an employee is to perform work for MESD.
3. “Drug paraphernalia” means any clothing, bag, hat or other personal item that displays, promotes or advertises a drug, as well as any item included within the definition at ORS 475.525(2)(a) through (i)(A)-(N).
4. “Alcohol paraphernalia” means any clothing, bag, hat or other personal item that displays, promotes or advertises an alcoholic product.
5. “Any other location” in the definition of “work site” in Board policy GBCBA includes the place of a MESD-sponsored or MESD-approved activity, and the employee’s own vehicle when used to transport students or fellow employees to and from an activity sponsored or approved by MESD and when used to transport fellow employees to and from different work sites following initial arrival at work.

Compliance with Board Policy and the Law

The unauthorized manufacture, delivery, possession or use of a controlled substance or alcohol is not only prohibited by Board policy GBEC, but is prohibited by law. Employee compliance with Board policy GBEC and the law is mandatory.

An employee, whose conduct violates Board policy GBEC and the law, is subject to the disciplinary action provided for in Board policy GBEC, as well as to referral for prosecution.

Authorized Use of Controlled Substance

An employee who knowingly uses a prescription drug or other authorized controlled substance as defined in Board policy GBEC that has potential to impair or negatively affect job performance (including the job performance of a fellow employee) or to create a risk of injury to any person (including the employee) shall notify the immediate supervisor of such use as soon as prescribed or upon return to work.

In the event that such authorized use, in the judgment of the supervisor, impairs or negatively affects the ability to perform job responsibilities, or creates a risk of injury to any person, MESD shall take appropriate remedial action including, but not limited to, temporary reassignment, allowance of the use of unpaid leave or accumulated paid sick leave, available under law and collective bargaining agreements, for treatment to correct the effect on job performance or risk of injury.

Unauthorized Use of Controlled Substance or Alcohol

A work site should be free from the unauthorized manufacture, delivery, possession or use of a controlled substance or alcohol. MESD property and equipment are furnished and made available for work-related purposes, and are not be used in connection with unauthorized conduct related to controlled substances or alcohol.

In enforcing this prohibition, MESD officials shall only make a search or seizure related to a violation of this policy which is permitted by law. An employee who violates this rule is subject to disciplinary action, including suspension and discharge.

An employee who has information related to a fellow employee's violation is encouraged to inform the immediate supervisor or the Superintendent. An employee who knowingly provides false information about a fellow employee's violation shall be subject to disciplinary action, including discharge.

Counseling and Rehabilitation

MESD has information available about counseling and rehabilitation for employees with a controlled substance or alcohol problem.

At the request of an employee who has a controlled substance or alcohol problem, MESD shall provide information on counseling and rehabilitation, as well as allow the employee to take unpaid leave or accumulated paid sick leave, available under law and collective bargaining agreements, for treatment.

Instead of disciplinary action for a violation of Board policy GBCBA, MESD may require an employee to obtain an assessment of the employee's controlled substance or alcohol problem and to participate in a treatment program for the problem. Under such circumstances, MESD shall allow the employee to take unpaid leave or accumulated paid sick leave, available under law and collective bargaining agreements, for the treatment.

When MESD allows an employee to take unpaid leave or accumulated sick leave for the purpose of treatment under these rules, MESD may condition the employee's return to work and continued employment with MESD upon the employee's satisfactory completion of the treatment program and compliance with Board policy GBCBA.

Failure of the employee to satisfactorily complete the program or comply with Board policy may result in MESD's refusal to reinstate the employee and discharge.

MESD Action

MESD may take appropriate disciplinary action against an employee who violates Board policy GBCBA, including reprimand, suspension or discharge. The choice of disciplinary action shall depend upon the circumstances (e.g., facts related to the violation, employee's past record).

Where an employee has a controlled substance or alcohol problem, MESD may take appropriate action for the employee's treatment.