

## **Drug-Free Workplace**

### DEFINITIONS

1. "Alcohol" as used in this rule means any form of alcoholic liquor as now or hereafter defined by Oregon Revised Statutes, particularly ORS 471.005, including beer, wine, wine coolers, and distilled liquor.
2. "District" as used in this rule means the acting by and through its Superintendent or the Superintendent's designated directors, administrators or supervisors. If the context herein requires, reference to the "District" regarding the reporting, providing, advising, or giving of any information, unless provided otherwise herein, may be satisfied by doing so to the employee's immediate supervisor.
3. "Controlled substances" for the purpose of this rule means any illegal drug or controlled substance as defined now or hereafter under the Uniform Controlled Substance Act, in particular ORS 475.005(6), including any narcotic drug, hallucinogenic drug, amphetamine, barbiturate or marijuana. "Controlled substances" shall not mean or include a controlled substance prescribed by a licensed physician.
4. "Workplace" for the purpose of this rule means the site for the performance of work done for the District. "Workplace" includes all real property, facilities, and structures of or owned by the District, all real property, facilities and structures used by the employee in the performance of work for the District, any vehicle owned by the District or any other vehicle, including an employee's own vehicle, when used for District purposes approved by the District, and any nonresidential property not owned by the District being used for any activity, event or function sponsored or approved by the District, involving students who are under the jurisdiction and control of the District, such as a field trip, athletic event, or the like.

### ADMINISTRATIVE RULES

- A. Controlled Substances and Alcohol in the Workplace
  1. No District employee shall possess, purchase, sell, manufacture, distribute, dispense, or use any alcohol or controlled substance in the workplace, or attempt to do so.
  2. Any employee who is convicted of any violation of any federal or state criminal drug statute occurring in the workplace is hereby required to notify the District of such occurrence no later than five (5) days after such conviction. The District shall notify the federal granting agency within ten (10) days after receiving notice of an employee's conviction of any criminal drug statute violation occurring in the workplace.

3. Any employee of the District who is aware of the use or the presence of controlled substances or alcohol in the workplace is expected to bring such information to the immediate attention of the District. No employee will be discharged, demoted, or suspended, or in any manner discriminated against for disclosing information concerning such wrongdoing in the workplace.
4. Any supervisor of the District who becomes aware of an employee's activity involving alcohol or controlled substances in the workplace as set forth and described in this rule, shall immediately and not later than the next regular workday, report such information to the Superintendent or designee.

B. Notice

1. The District will provide employees the following information on an annual basis:
  - a. The dangers of controlled substance and alcohol abuse in the workplace;
  - b. The provisions of District Policy GBEC-Drug Free Workplace and this administrative rule;
  - c. The availability of drug counseling and rehabilitation; and
  - d. The penalties an employee may incur for a violation of Policy GBEC or this administrative rule.

C. District Action

1. As a condition of employment with the District, all employees are required to abide by the terms and provisions of Policy GBEC and this administrative rule.
2. When there is reasonable suspicion to believe that an employee may be under the influence of alcohol or a controlled substance, the District may, as part of its investigation, require the employee to submit to a physical examination or drug or alcohol testing. The failure or refusal of an employee to submit to such a physical examination or drug and alcohol testing will be considered insubordination and may be grounds for disciplinary action up to and including the employee's discharge.
3. The District reserves the right, with prior notice and reasonable suspicion, to search the District property of employees or employees' personal property which may be on the District's premises. A refusal to submit to a search may result in disciplinary action, up to and including discharge.
4. "Reasonable suspicion" of an employees use of alcohol or a controlled substance may be based upon any of the following non-exhaustive list of indicators:
  - a. Odor of alcohol;
  - b. Observed abnormal behavior or impairment in mental or physical performance (for example, slurred speech or difficulty walking);
  - c. District observation of use in the workplace;
  - d. The opinion of a medical professional;

- e. Reliable information concerning use in the workplace. The reliability of any such information shall be reasonably determined by the District;
  - f. Documented abuse of controlled substances or alcohol, or observed actual or positive use of controlled substances or alcohol in the workplace, or other use outside the workplace which results in observed or indicated controlled substance or alcohol impairment in the workplace;
  - g. Incurring significant medical care or disability costs or both from causes, activities or events which indicate related use of controlled substances or alcohol;
  - h. Involvement in a significant work related accident or other incident that injures, threatens to injure, or in the discretion of the District could have injured any employee of the District or the individual, or which causes, threatens to cause, or could have caused property damage to the District or any other person.
5. If the District determines that an employee has violated Policy GBEC or this administrative rule, regardless of whether the employee has been charged with or convicted of criminal activity, the employee shall be subject to disciplinary action by the District. Disciplinary action may include a written reprimand, suspension without pay, or dismissal.

D. Leave for Participation in a Drug or Alcohol Treatment Program

- 1. Upon the request of an employee, the District may grant a leave of absence without pay to permit the employee to participate in a drug or alcohol treatment program.
- 2. The District will keep on file a directory of Oregon prevention and treatment providers and information regarding any applicable benefits provided by the insurance carrier(s) for ready access to employees.