

Employer and Employee Responsibility Regarding Drugs and Alcohol

The following conduct is strictly prohibited and will subject an employee to immediate discipline, including termination:

1. The buying, selling, transportation, possession, providing or use of intoxicants or any controlled substances as defined by law (but excluding any substance lawfully prescribed for the employee's use) while on district property during work hours, including meal periods, and while assigned to extra duty or special projects, including those held after or in addition to regular school hours;
2. Reporting for work unfit for duty due to or in relation to the use of intoxicants or any controlled substance. An individual is considered to be unfit for duty when, in the district's determination, present or past use of an intoxicant or controlled substance may impair the individual's ability to safely and/or efficiently perform assigned work, prevent the employee from presenting a positive role model to students or cause discredit to the district.

If the district has reasonable grounds to believe that an individual is unfit for duty as the result of use of intoxicants or any controlled substance, the district may require that the individual immediately submit to a field impairment test, blood, urine or breathalyzer test. A refusal to immediately submit to such tests may result in discipline, including immediate termination.

The district reserves the right, with prior notice and reasonable suspicion, to conduct searches on district property of employees and/or their personal property. The district also reserves the right to conduct searches of district property, district vehicles or equipment at any time. A refusal to submit to such search may result in immediate discipline including termination.

Employees utilizing any prescribed medication or controlled substance which may impact their ability to safely perform assigned duties and/or creates an appearance which could be construed as that of a person unfit for duty, must immediately report this treatment to their supervisor. Although the use of medications or controlled substances as part of a prescribed medical treatment program is not grounds for disciplinary action, failure to report the use of a prescribed medication or controlled substance may subject an employee to disciplinary action. In the event there is a question regarding an employee's fitness for duty, clearance from a physician will be required.

The administration is directed to develop appropriate regulations, procedures, consent forms and such notifications as are needed for an orderly implementation of this policy.

DRUGS AND ALCOHOL

Definitions:

1. “Drugs” shall include any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other illegal drug or controlled substance. Alcohol shall include any form of alcohol for consumption, including beer, wine, wine cooler or distilled liquor.
2. “Workplace” shall mean the site for the performance of work done for the district. This includes the school buildings and the grounds and athletic fields owned by the district; any district-owned vehicle or any other district-approved vehicle used to transport students or fellow employees to and from school activities or to transport fellow workers to and from different work sites within the work day; and off-district property during any district-sponsored or district-approved activity, event or function involving students under the jurisdiction of the district.
3. Unfit for duty shall mean that at the district’s determination, an employee(s present or past use of intoxicants or controlled substances impair the individual’s ability to safely and/or efficiently perform assigned work, prevent the employee from presenting a positive role model to students or cause discredit to the district.

DRUGS AND ALCOHOL IN THE WORKPLACE

1. In the workplace no district employee shall manufacture, distribute, dispense, store or use alcohol, illegal drugs or controlled substances, except as prescribed by a physician, regardless of quantity.
2. Employees who are convicted of any violation of criminal drug statutes occurring in the workplace are required to notify the superintendent no later than five days after such conviction.
3. Any employee of the district who is aware of student use or the possession of alcohol, illegal drugs or controlled substances in district facilities, as defined above, at any time, or in district vehicles or at district-sponsored activities shall immediately bring such information to the attention of his/her immediate supervisor or the superintendent or the person in charge of the workplace or activity.
4. Any employee of the district who is aware that another employee’s use or possession of alcohol, illegal drugs, or controlled substances in district facilities, vehicles or at district-sponsored activities compromises the safety and/or welfare of students or fellow employees shall bring such information to the attention of his/her immediate supervisor or the superintendent or the person in charge of the workplace or activity.

DRUGS AND ALCOHOL GENERALLY

1. All district employees must abstain from the use, manufacture, distribution, dispensation or possession of illegal drugs and controlled substances, as defined above, and may not knowingly allow their property or possessions to be used by others in the use, manufacture, distribution, dispensation or possession of illegal drugs or controlled substances.

2. All district employees are to adhere to all legal requirements regarding the use, manufacture, distribution, dispensation or possession of alcohol, including but not limited to prohibitions against furnishing alcohol to minors, at all times, both on and off the job.
3. Employee use, possession, manufacture or distribution of controlled substances and/or alcoholic beverages during non-work time away from the workplace is subject to district policies and regulations if the district determines that such use restricts, limits, or otherwise affects the employee's fitness for duty in the workplace.

NOTICE

Supervisors **annually** will provide employees with the following information:

1. The dangers of drug and alcohol abuse, in and outside of the workplace;
2. The terms of district drug and alcohol policies and regulations;
3. Any available drug counseling, rehabilitation and employee assistance programs;
4. The penalties an employee can incur for any infraction of this policy.

Annual notification may be made through staff handbooks, distributing copies of this policy and supplementary materials at staff meetings or other communications to all staff members.

DISTRICT ACTION

1. As a condition of employment with the district, all employees are required to abide by the terms of the drug and alcohol policies corresponding administrative rules.
2. When an employee brings to the district's attention, for the first time, before substantive reason exists to begin an investigation, that he/she has a substance abuse problem, the district will support the employee's desire for rehabilitation by providing unpaid leave or accumulated paid sick leave for treatment, as applicable under law and collective bargaining agreements. When the treatment provider releases the employee for return to work, the district will reinstate the employee, if possible, in a position where the employee does not pose a danger to students, fellow employees or the public. The employee shall provide the district with a signed release so that the district may obtain information from the provider about the treatment program and follow-up. Failure of the employee to adhere to the treatment program may result in refusal to reinstate and/or disciplinary action, including termination of employment.
3. Regardless of #2 above, if the district determines that an employee has violated drug and alcohol policies or corresponding administrative rules, regardless of whether the employee has been charged or convicted of criminal activity, the district will take appropriate disciplinary action(s), including possible reprimand, suspension or termination of employment.

4. Disciplinary action short of termination may include a requirement that the employee obtain a drug/alcohol abuse assessment, participate in a drug/alcohol abuse treatment program and/or submit to subsequent random testing for an appropriate period, as determined by the treatment program, to verify that the employee is complying with the requirements of the treatment program. Failure to satisfactorily complete a treatment program and to comply with the terms of this policy may result in the employee's suspension or termination of employment.
5. The district also reserves the right to require pre-employment drug testing.
6. The superintendent will conduct a biennial review of the drug and alcohol policies and regulations to determine their effectiveness and to ensure that the disciplinary sanctions described above are consistently enforced.
7. Through implementation of drug and alcohol policies and regulations, the district will strive to maintain a drug-free workplace and to fulfill the district's role in educating students and the community concerning the dangers of drug and alcohol abuse.

END OF POLICY

Legal Reference(s):

[ORS Chapter 475](#)

[ORS 657.176](#)

[ORS 659.840](#)

[ORS 659A.300](#)

[OAR 581-053-0220\(3\)\(h\)](#)

[OAR 581-053-0230\(9\)\(t\)](#)

[OAR 581-053-0330\(1\)\(n\),\(o\)](#)

[OAR 581-053-0420\(3\)\(c\)](#)

[OAR 581-053-0430\(13\),\(14\)](#)

[OAR 581-053-0531\(12\),\(13\)](#)

[OAR 581-053-0615\(2\)\(c\)\(D\)\(ii\)](#)

[OAR 581-053-0620\(1\)\(s\)](#)

[OAR 584-020-0040](#)

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

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).

Cross Reference:

GBEC – Drug-Free Workplace