

General Personnel

Drug- and Alcohol-Free Workplace; E-Cigarette, Tobacco, and Cannabis Prohibition

All District workplaces are drug and alcohol free workplaces, unless distribution, possession, and/or use is by a school nurse or school administrator pursuant to Ashley's Law, 105 ILCS 5/22-33.7. Employees may not use, consume, possess, distribute, sell, dispense, manufacture, purchase or have in their system marijuana, illegal drugs, intoxicants or controlled substances (1) on District property, (2) at a District-sponsored event / activity, or (3) supervising students. Similarly, employees may not use, consume, possess or have in their system alcohol (1) on District property, or (2) at a District-sponsored event / activity when supervising students. The prohibitions set forth in this Policy includes lawful controlled substances that have been illegally or improperly obtained, as well as abuse of any lawful substance. For the purposes of this policy, District property includes all property owned, leased by, or under the control of the School District, including but not limited to its offices, facilities, parking areas, grounds, buildings, structures, any and all work locations, vehicles, and equipment.

For purposes of this policy a controlled substance means a substance that is:

1. Not legally obtainable,
2. Being used in a manner different than prescribed,
3. Legally obtainable, but has not been legally obtained,
4. Legally obtained, but adversely affects the employee's ability to perform the functions of his or her job, or
5. Referenced in federal or Illinois controlled substance acts.

With the exception of medical marijuana, this policy does not prohibit the possession and proper use of over-the-counter medications and/or lawfully prescribed drugs taken in accordance with the prescription, but the policy does prohibit employees from having excessive amounts of otherwise lawful controlled substance in their systems or from working while impaired by a lawful medication. It is the employee's responsibility to determine from his/her physician in advance whether a prescribed drug may impair job performance. Upon request, the employee is responsible for obtaining a written note from their medical provider or physician to determine if a prescribed drug may impair job performance or present a safety hazard. Any prescription and/or over-the-counter medications must be properly secured and stored when brought on District property.

Compliance with this policy is required as a condition of employment for qualified applicants or for continued employment of current employees. The presence of a detectable amount of any prohibited substance in an employee while working and/or during working hours may be deemed a violation of this policy, regardless of when or where the substance entered the

employee's system.

As a condition of employment, each employee shall:

1. Abide by the terms of the District policy respecting a drug- and alcohol-free workplace; and
2. Notify his or her supervisor of his or her conviction under any criminal drug statute for a violation occurring on the District premises or while performing work for the District, no later than 5 calendar days after such a conviction.

To make employees aware of dangers of drug and alcohol abuse, the Superintendent or designee shall perform each of the following:

1. Provide each employee with a copy of this policy.
2. Post notice of this policy in a place where other information for employees is posted.
3. Make available materials from local, state, and national anti-drug and alcohol-abuse organizations.
4. Enlist the aid of community and State agencies with drug and alcohol informational and rehabilitation programs to provide information to District employee;
5. Establish a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace,
 - b. Available drug and alcohol counseling, rehabilitation, re-entry, and any employee assistance programs, and
 - c. The penalties that the District may impose upon employees for violations of this policy

E-Cigarette, Tobacco, and Cannabis Prohibition

All employees are covered by the conduct prohibitions contained in policy 8.30, *Visitors to and Conduct on School Property*. The prohibition on the use of e-cigarettes, tobacco products, and cannabis products applies both (1) when an employee is on school property, and (2) while an employee is performing work for the District at a school event regardless of the event's location.

Tobacco shall have the meaning provided in section 10-20.5b of the School Code.

Cannabis shall have the meaning provided in the CRTA, 410 ILCS 705/1-10.

E-Cigarette is short for electronic cigarette and includes, but is not limited to, any electronic nicotine delivery system (ENDS), electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device.

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. In addition or alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse rehabilitation program.

The Board of Education shall take disciplinary action with respect to an employee convicted of a drug offense in the workplace within 30 days after receiving notice of the conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a State contract or grant of \$5,000 or more, the Superintendent shall notify the appropriate State or federal agency from which the District receives contract or grant monies of the employee's conviction within 10 days after receiving notice of the conviction.

LEGAL REF.: Drug-Free Workplace Act of 1988, 41 U.S.C. §8101 et seq.
 Safe and Drug-Free School and Communities Act of 1994, 20 U.S.C. §7101 et seq., Controlled Substances Act, 21 U.S.C. §812; 21 C.F.R. §1308.11-1308.15.
 Americans With Disabilities Act, 42 U.S.C. §12114
 Compassionate Use of Medical Cannabis Pilot Program, 410 ILCS 130/1 et. seq.
 410 ILCS 82/, Smoke Free Illinois Act.
 410 ILCS 130/, Compassionate Use of Medical Cannabis Program Act.
 410 ILCS 705/1-1 et seq., Cannabis Regulation and Tax Act.
 720 ILCS 675, Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act.
 820 ILCS 55/, Right to Privacy in the Workplace Act.
 21 C.F.R. Parts 1100, 1140, and 1143.
 23 Ill.Admin.Code §22.20.

CROSS REF.: 5.40, 5.55, 5.120, 6.60,

Adopted: July 8, 1997
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 February 11, 2020