

Drug-Free Workplace

The district shall provide a 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. That includes any school building or any 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 where work on a federal grant is performed.

2. Purpose:

The purpose of this policy 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:

This policy applies to all employees, including, but not limited to, those exempt, unclassified, management service, classified and temporary employees who are paid directly or indirectly from funds received under a federal grant or contract.

4. Prohibitions:

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

5. No district employee shall knowingly sell, market or distribute steroid or performance enhancing substances to kindergarten through grade 12 students with whom the employee has contact as part of

employee's district duties; or knowingly endorse or suggest the use of such drugs.

6. Compliance with Policy¹:

An employee shall, as a condition of employment, abide by the provision of this policy.

7. Sanctions and Remedies¹:

- a. The district, upon determining that an employee has engaged in the manufacture, distribution, dispensation or possession of a controlled substance or alcohol or upon having reasonable suspicion, under Section 7. of this policy, of employee use of a controlled substance or alcohol in the workplace, shall, pending any criminal drug statute conviction for a violation occurring in the workplace, take action with regard to the employee determined to be appropriate which may include transfer, granting of leave with or without pay, suspension with or without pay.
- 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 termination 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.

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

Reasonable suspicion of employee use of a controlled substance or alcohol shall be based upon any of the following:

- a. Observed abnormal behavior or impairment in mental or physical performance (for example, slurred speech or difficulty walking);
 - b. Direct observation of use in the workplace;
 - c. The opinion of a medical professional;
 - d. Reliable information concerning use in the workplace, the reliability of any such information shall be determined by employer;
 - e. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.
9. An employee having a drug or alcohol problem is encouraged to seek assistance, on a confidential basis.

10. Leave for Participation in Abuse Assistance or Rehabilitation Program:

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

11. Establishment of Drug-free Awareness Program:

¹Districts directly receiving grants or contracts of \$100,000 or more from the federal government are required to meet this obligation. 2-3

The district shall 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 programs and employee assistance programs;
and
- d. Penalties that may be imposed for drug abuse violations occurring in the workplace.

12. Notification by Employee of Conviction¹:

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.

13. Notification by Amity School 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.

14. Provision of Copy of Policy to Employees:

The district shall provide to each employee a copy of this policy.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)

[ORS 336.222](#)

[ORS Chapter 475](#)

[ORS 657.176](#)

[ORS 809.260](#)

SB 517 (2007)

Drug-Free Schools and Communities Act of 1986, 20 U.S.C. Section 7105.

Drug-Free Workplace Act of 1988, P.L. 100-690, Title V, Subtitle D, Sections 5151-5160, 102 Stat. 4305-4308.

Controlled Substances Act, 21 U.S.C. Section 812, schedules I through V; 21 CFR 1308.11-1308.15 (2000).

Drug-Free Schools and Communities Act Amendments of 1989, P.L. 101-226, 103 Stat. 1928 et seq.