BP-4020 (a)

DRUG, TOBACCO, AND ALCOHOL-FREE WORKPLACE

Note: Although the passage AS 17.38 authorizes the use of marijuana under certain conditions, it explicitly recognizes the authority of employers to prohibit the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace. Additionally, AS 17.38 does not prevent employers from establishing policies that restrict the use of marijuana by employees. AS 17.38.120(a). Further, as a recipient of federal funds, the district is obligated to maintain a drug-free workplace consistent with federal law, which prohibits the manufacture, sale, distribution, or possession of marijuana. For purposes of the district's policy and legal obligation, marijuana is prohibited.

The School Board believes that the maintenance of drug, tobacco and alcohol -free workplaces is essential to school and district operations. No employee should unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance before, during, or after school hours at school or in any other district workplace.

For purposes of this policy, "drug" is defined to include, but is not limited to, marijuana or cannabis, in any form; synthetic marijuana or cannabis, in any form; synthetic variations of controlled substances, in any form; prescription medication for which a valid prescription has not been obtained, which is used in amounts in excess of prescribed dosages, or which is used for purposes other than prescribed, and prescription drugs distributed or dispensed to any person other than the prescription holder. "Controlled substance" is defined to include any substance identified by federal or state law as controlled.

In the interest of the health and safety of students and employees, it is a violation of this policy for students, staff, parents, visitors, contractors, and all others to use, distribute, or sell tobacco products on District premises, at school-sponsored activities, on or off District premises and in District-owned, rented or leased vehicles.

"Tobacco" is defined to include in any non-FDA approved tobacco or nicotine, lighted or unlighted cigarette, electronic cigarette, vape or vaping device, cigar, pipe, bidi, clove cigarette, dissolvable nicotine strips, liquid tobacco or nicotine, and any other smokeless tobacco product, also known as spit tobacco, dip, chew, and snuff, in any form..

Tobacco possession is prohibited for all district students and visiting students, as well as for all other visitors under the age of 19.

Alcohol, tobacco, and marijuana advertising is prohibited in all school-sponsored publications, in all school buildings, and at all school-sponsored events. District acceptance of gifts or funds from alcohol, tobacco, and marijuana industries is similarly prohibited.

DRUG, TOBACCO AND ALCOHOL-FREE WORKPLACE (continued)

Personnel shall not wear clothing depicting tobacco, alcohol, drugs, or controlled substances, and shall not display such items or related slogans on their vehicles, through signage, or otherwise, while the vehicle is on District property or at a school-sponsored event.

The Superintendent or designee shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days of any criminal drug or alcohol statute conviction which he/she receives for a violation involving drugs, alcohol, or tobacco.

   For the purpose of this policy, "conviction" shall mean a finding of guilt, including a plea of nolo contender, or imposition of sentence, or both by any judicial body charge to determine violations of federal or state criminal drug or alcohol statues.

2. Establish a drug, tobacco, and alcohol-free awareness program to inform employees about:
   a. The dangers and costs of drug, tobacco, and alcohol abuse in the workplace
   b. The district policy of maintaining drug, tobacco, and alcohol-fee workplaces
   c. Any available drug, tobacco, and alcohol counseling, rehabilitation, and employee assistance programs, including the free Alaska Tobacco Quitline, and
   d. The penalties that may be imposed on employees for drug, tobacco, and alcohol abuse violations.

3. Notify the appropriate federal granting or contracting agencies within ten days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.

4. Initiate disciplinary action within 30 days after receiving notice of a conviction for a violation in the workplace from an employee or otherwise. Such action shall be consistent with state and federal law, the appropriate employment contract, the applicable collective bargaining agreement, and district policies and practices.

5. Make a good faith effort to maintain drug and alcohol-free workplaces throughout the district.

DRUG, TOBACCO AND ALCOHOL-FREE WORKPLACE (continued)

In taking disciplinary action, the Board requires termination when termination is required by law. When termination is not required by law, the Superintendent or designee shall take disciplinary action, up to and including termination, or shall require the employee to satisfactorily participate and complete a drug assistance or rehabilitation program approved by federal, state, or local health, law enforcement or other appropriate agency, or a combination of both discipline and mandatory assistance program. Discipline decisions shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements, and district policies and practices.

Nothing in this policy shall prohibit the District from conducting its own investigation or from taking appropriate disciplinary action even in the absence of conviction.

Reference:
Board Policy 3513.3 Use of Tobacco
Board Policy 5131.62, Tobacco

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