

## **G2430 - Substance Abuse**

Last Updated: Apr 21 2009 - 11:04am

The District recognizes that the use of drugs and alcohol, whether on or off the job, which adversely affects job performance, may constitute a serious threat to the health and safety of students, the public, and employees and impact effective instruction and the efficient delivery of District services. (See Board Policy GBCBA) The primary goal of this policy is to achieve a work place free of the impairments of drugs and alcohol, and to be in compliance with OR-OSHA regulation 437-001-0760(4), which prohibits anyone whose ability to work safely has been impaired by alcohol, drugs, or medication from working in that condition.

In any instance where an employee's impaired job performance or conduct provides reasonable suspicion of drug or alcohol use, the District may require appropriate testing. Testing procedures and the validity of the results will be measured by the prevailing practice in the medical field. In all situations where testing is called for, due consideration will be given to the legal rights and privacy of the tested employees.

Employees who are concerned about their use of alcohol or drugs are urged to seek confidential assistance from the Employee Assistance Program (EAP). Employees may also contact the Human Resources Department for assistance and can be assured that the contact will remain confidential to the extent legally possible. For employees who seek assistance in advance of detection, the District will provide reasonable accommodation as necessary and practical to allow treatment to take place.

The legal use of prescribed drugs or over-the-counter medications is permitted on the job, unless the use of the drug(s) may limit or impair the employee's ability to perform employment related duties safely and efficiently. It is the employee's responsibility to ascertain whether the use of a medication will limit or impair them.

Citings

Board Policy

Drug, Tobacco, and Alcohol Abuse by Employees - GBCBA

State Law

OR-OSHA regulation 437-001-0760(4)

### **G2430.01 - Definitions**

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For purposes of this document, the following definitions apply:

1. Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
2. Drugs - Any intoxicants or controlled substances as defined by the criminal code of the State of Oregon, or substances lawfully prescribed for the employee's use and over-the-counter medications, which could have an adverse impact on their ability to perform their job duties in a safe manner. The definition of drugs excludes alcohol.
3. Drug or Alcohol Test - The compulsory submission of urine, breath, or blood by an employee in accordance with established collection and testing procedures to detect drug and/or alcohol use.
4. Reasonable Suspicion - Specific observations concerning the appearance, conduct, speech, odor on the breath or body odors of an employee that would cause one to suspect that the employee is under the influence of alcohol or drugs.
5. Under the Influence of Alcohol - An individual is considered to be "under the influence of alcohol" when the individual's blood alcohol content exceeds .02%.
6. Under the Influence of Drugs - An individual is considered to be "under the influence of drugs" when a detectable amount of a drug is found in the individual's body that may

impair the individual's ability to safely and efficiently perform job duties and responsibilities.

7. Work place: Any location where an employee is performing District job duties or is representing the District in an official capacity whether or not the employee is compensated. The exclusion of alcohol from the work place does not pertain to those sites at which, in the judgment of the Superintendent, the use of alcohol cannot be avoided, such as during business meetings with members of foreign delegations where refusal of a traditional "toast" would show disrespect for the customs or culture of the delegate.

## **G2430.02 - Prohibited Conduct**

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This section does not attempt to address all possible issues that may arise around the use of alcohol and drugs. Each individual employee and each supervisor is responsible for using his or her best judgment and acting in a reasonable and responsible manner when faced with a situation that is not explicitly covered in the policy, such as situations that may arise outside the usual work place or when an employee may be called back to work outside of their regularly scheduled hours.

Violations may result in discipline up to and including discharge.

The following conduct is prohibited in the work place, on school premises, while working, and at a District activity:

1. The unlawful buying, selling, transportation, possession, providing or use of drugs;
2. The use of alcohol;
3. Being under the influence of alcohol;
4. Being under the influence of drugs;
5. Having a detectable odor of alcohol on the breath;
6. Operating a District owned or leased vehicle or one rented with District funds at any time proximate to consuming intoxicants or a private vehicle if using the vehicle in the course of conducting District business or when going to, or coming from, District business, either in town or while attending training or other business out of town;
7. Failure to report limitations or impairment caused by prescribed medications or over-the-counter drugs.

## **G2430.03 - Consequences of Positive Test Results**

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An employee who has tested positive for drugs or alcohol as defined by this policy may be referred to the Employee Assistance Program or drug and/or alcohol counseling. An employee's participation in the Employee Assistance Program or in drug or alcohol counseling will be considered in determining what, if any, disciplinary action may be taken.

If an employee is not terminated for violations of this policy, the employee who has tested positive for drugs or alcohol will be required to sign a performance agreement. Provisions for unannounced testing for a specified period following the positive test may be included in the agreement. If the employee violates the terms of the agreement or again tests positive during such a period, he or she may be subject to immediate dismissal.

## **G2430.04 - Interference With Policy**

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Any activity which purposely interferes with the District's policy on the use of drugs and alcohol will be grounds for disciplinary action which may include discharge. Examples include, but are not limited to, the following: tainting, tampering, or substitution of blood or urine samples; falsifying information regarding the use of prescribed medications or controlled substances; failure to cooperate with any tests outlined in this policy to determine the presence of drugs or alcohol; or failure to consent to or cooperate with any administrative search.

## **G2430.05 - Employee Rights**

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Any employee who has tested positive shall be given access to all written documentation available from the testing laboratory, which verifies the accuracy of the testing equipment used in the testing process, the chain of custody of the specimen, and the accuracy rate of the laboratory. The employee will be provided with a copy of the results. All documentation on the testing will be sealed and maintained in a secured file in Human Resources. All test results will be kept confidential by the District.