

OLYMPIC ESD 114 BOARD POLICY

DRUG FREE WORKPLACE

POLICY 5201

The Olympic Educational Service District 114 (OESD) Board of Directors (Board) recognizes its responsibility to maintain a drug-free workplace. Employees are required to report to work fit for duty and free of any adverse effects of drugs or alcohol. As a condition of employment OESD employees shall abide by the terms of this policy.

Definitions:

“Controlled Substance” means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation 21 CFR 1300.11 through 1300.15.

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal alcoholic beverage or drug statutes.

“Under the influence” is defined as any noticeable use, any detectable level of alcohol or drugs, or perceptible impairment of the employee’s mental or physical faculties.

"Workplace" is defined as the site for the performance of work conducted on behalf of OESD. That includes any OESD or school building or any OESD or school premises; any other location that is a worksite for an OESD employee, any OESD-owned vehicle or any other OESD-approved vehicle used to transport students to and from OESD or school activities; and other property that is used during any OESD-sponsored or approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the OESD.

Prohibited Behavior

To help maintain a drug-free workplace, the following is prohibited:

- A. Reporting to work or the workplace under the influence of alcohol, illegal and/or controlled substances including marijuana (cannabis), opiates, and anabolic steroids. Under the influence is interpreted as being under the effect of something – specifically any substance that could potentially cause serious harm.
- B. Using, possessing, selling, trading, and/or offering for sale alcohol, illegal and/or controlled substances, including marijuana (cannabis), opiates, and anabolic steroids, in any amount, in any manner, and at any time in the workplace. This includes the illegal use of prescription drugs and the misuse or abuse of prescription medications.
- C. Using agency property or the employee's position within OESD to make or traffic alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids.
- D. Using, possessing or transmitting illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids.

Any OESD employee who is taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job. If the use of a medication could compromise the safety of the employee, other employees, students or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., use leave, request change of duty, or notify his/her supervisor of potential side effects) to avoid unsafe workplace practices. If an employee notifies his/her supervisor that the use of medication could compromise the safe performance of his/her job, the supervisor, in conjunction with the OESD Human Resources, then will determine whether the employee can remain at work and whether any work restrictions will be necessary.

As a condition of employment, each employee shall notify his or her supervisor of his or her conviction under any criminal alcoholic beverage or drug statute for a violation occurring in the workplace as defined above. Such notification shall be provided no later than five (5) days after such conviction.

Consequences of Noncompliance of Drug-Free Workplace Policy

Any employee convicted of a crime attributable to the use, possession, or sale of illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids, or who engages in activities that violate this policy, will be subject to disciplinary action, including termination. OESD encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol program. However, if an employee violates this policy, he/she may be subject to disciplinary action up to and including discharge.

As a condition of eligibility for reinstatement, an employee may be required to satisfactorily complete a drug/alcohol rehabilitation or treatment program approved by the Superintendent/designee, at the employee's expense.

Nothing in this policy shall be construed to guarantee reinstatement of any employee who violates this policy, nor does OESD incur any financial obligation for treatment or rehabilitation ordered as a condition of eligibility for reinstatement.

Legal Reference:

41 USC 81 Drug Free Workplace Act Subtitle D of 1988
and as amended in 1989

41 USC 8103-8104 Drug Free Workplace Requirements for
Federal Grant Recipients

21 USC 812 – Controlled Substance Act

RCW 69.50.435 Violations committed in or on certain public
places or facilities

Chapter 180-87 Code of Professional Conduct

Date Adopted: January 18, 1990

Revised: May 21, 1992; April 27, 2017; November 20, 2018

Renumbered: January 21, 2016, From 3390