

DRUG & ALCOHOL USE POLICY – EMPLOYEE

This District recognizes the federal requirements to establish a “drug free workplace” and it does not tolerate drug or alcohol abuse by its employees. Employees are prohibited from manufacturing, dispensing, using, possessing, or distributing illegal drugs or alcohol on any school premises or at any school activity. Employees are further prohibited from being under the influence of illegal drugs or alcohol on any school premises or at any school activity.

The drug free workplace requirements extend to all property owned by the District, all activities sponsored by the District, and include any vehicle owned by this District.

DEFINITIONS

Award: Financial assistance provided to the District by the U.S. Department of Education or other federal agency, including grants or cooperative agreements in the form of money or property in lieu of money; or block grants or a grant in an entitlement program. The term “award” does not include any of the following: technical assistance that provides services instead of money; loans and loan guarantees; interest subsidies; insurance; direct appropriations; or veteran’s benefits to individuals.

Drug Free Workplace: A site for the performance of work done in connection with a specific award at which employees of the recipient are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

Illegal Drug Use: The use, possession or distribution of illegal drugs, or the abusive use of other drugs, or the use of alcohol on any school premises or at any school activity.

Illegal Drugs: Any controlled substances defined by Idaho Code §37-2701, or any other substance which is used to alter or change the mood of an individual, or anabolic steroids. The term “illegal drugs” does not include over the counter drugs or prescriptions prescribed by a doctor or dentist specifically for the person in possession of those drugs.

Under the Influence: This definition covers not only all well-known and easily recognized conditions and degrees of intoxication but any abnormal mental or physical condition which is the result of indulging to any degree in unlawful alcohol or illegal drugs, and which tends to deprive one of that clearness of mind and self-control of which he or she would otherwise possess.

Unlawful Alcohol: Any alcoholic beverage as defined by Idaho Code §§23-105, 23-1001, and 23-1303.

Unlawful Alcohol Use: The use, possession, or distribution of alcohol on any school premises or at any school activity.

Violations: The commission of an act of illegal drug use or unlawful alcohol use by a district employee.

Reasonable Suspicion

The District may request a district employee to undergo alcohol or drug testing by a qualified medical provider who has been approved by the District to provide drug and alcohol testing and/or by an SRO at district expense and on district time if there is reasonable suspicion that the employee is under the influence of alcohol or illegal drugs arising during, just preceding or just after the employee's duty time. Prior to testing, all persons to be tested are required to complete and sign the Employee Consent Form and a statement allowing the hospital/physician/SRO to release medical information to the District. There shall be no random testing except for employees who hold a commercial driver's license. Circumstances that constitute a basis for determining reasonable suspicion may include, but are not limited to:

- Abnormal or erratic behavior.
- Information provided by a reliable and credible source with personal knowledge.
- Direct observation of alcohol or drug use or consumption of products that have similar effects as alcohol or drugs.
- Presence of the physical symptoms of consumption or use, i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes, abrupt swings in mood or energy level or excessive irritability and emotional outbursts.
- Possession of alcohol or illegal drugs in the work place.
- Involvement in a work-related accident or incident, excessive absenteeism, severe and prolonged reduction in productivity or performance.

An employee refusing to submit to an alcohol or drug test will be subject to the consequences of a positive test. A refusal is defined as a verbal refusal, failure to execute the consent form, abusive language to the supervisor or personnel performing the test, or tampering with any sample, container, equipment or documentation of the sampling process. No employee shall report for duty or remain on duty after testing positive for alcohol or drugs, until cleared to return by the District.

A positive test will subject the employee to the disciplinary action up to and including dismissal.

When the District has reasonable grounds to suspect that an employee has violated the District Drug and Alcohol policy, the District reserves the right to inspect the employee's locker, desk or other district property under the control of the employee.

DRUG-FREE AWARENESS PROGRAM

The District will establish a drug-free awareness program to inform employees about: (1) the dangers of drug abuse in the workplace; (2) the District's policy of maintaining a drug-free workplace; (3) any available drug counseling, rehabilitation, and employee assistance programs; and (4) the penalties that may be imposed upon employees for drug use violations.

Upon adoption of this policy or initial employment with the district, all employees will receive a copy of this policy.

EMPLOYEES WORKING IN FEDERAL GRANT PROGRAMS

Any employee working in the department or program responsible for the performance of a federal grant will, as a condition of employment, agree to abide by the terms of this policy and to notify the district of any criminal drug statute conviction for a violation occurring in the workplace. The employee must notify the district no later than five (5) days after such conviction.

Pursuant to the Drug-Free Workplace Act, the District will report, in writing, to the federal contracting or granting agency, within ten (10) days of receiving notice, that an employee has been convicted of a criminal drug statute for a violation occurring in the workplace.

DISCIPLINARY ACTION

1. Any employee who violates the terms of the District’s drug and alcohol policy may be subject to disciplinary action, including, but not limited to, discharge, suspension, and/or referral for drug and alcohol abuse evaluation and rehabilitation, at the discretion of the board.
2. If reasonable suspicion exists that federal, state, or local laws have been violated, the District will notify the appropriate law enforcement agencies.



Legal Reference:

34 CFR §84.605

34 CFR §84.635

41 U.S.C. §702 *et seq.*, as amended (the Drug-Free Workplace Act of 1988)

Idaho Code Sections

23-105 – Alcohol Liquor Defined

23-1001 – Alcoholic Beverages Defined

23-1303 – Restrictions Concerning Age

33-513 – Professional Personnel

33-517 – Noncertificated Personnel

Title 37, Chapter 27 *et seq.*

72-1701 *et seq.*

Code of Ethics for Idaho Professional Educators

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