

## Drug-Free Workplace

No employee engaged in work in connection with a direct federal grant or contract of \$25,000 or more shall unlawfully manufacture, distribute, dispense, possess or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcohol, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. § 812) and as further defined by regulation at 21 C.F.R. §§ 1308.11-1308.15.

“Workplace” is defined to mean the site for the performance of work done in connection with a federal grant or contract. 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.

<sup>1</sup>Each employee who is engaged in work related to a direct federal grant or contract of \$100,000 or more, shall notify his/her supervisor of his/her conviction of any criminal drug statute based on conduct occurring in the workplace, as defined above, no later than five days after such conviction.

<sup>2</sup>Each employee who is engaged in work related to a direct federal grant or contract of \$100,000 or more, shall abide by the terms of this school district policy establishing a drug-free workplace.

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

1. Observed abnormal behavior or impairment in mental or physical performance (for example, slurred speech or difficulty walking);
2. Direct observation of use in the workplace;
3. The opinion of a medical professional;
4. Reliable information concerning use in the workplace, the reliability of any such information shall be determined by the employer;
5. A work-related accident in conjunction with a basis for reasonable suspicion as listed above.

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<sup>1</sup>Districts directly receiving grants or contracts of \$100,000 or more from the federal government are required to meet this obligation.

<sup>2</sup>Ibid. p. 1

Rules related to a specific statute or rule may be applicable and shall supersede the above.

An employee who violates the terms of this policy shall satisfactorily participate in a drug abuse assistance or rehabilitation program approved by the Board. If the employee fails to satisfactorily participate in such program, employment may be suspended, his/her contract nonrenewed or be dismissed, at the discretion of the Board. Sanctions against employees, including nonrenewal, suspension and termination, shall be in accordance with prescribed school district administrative regulations and procedures.

No district employee shall knowingly sell, market, 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 substances.

END OF POLICY

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**Legal Reference(s):**

[ORS 243.650](#)

[ORS 336.222](#)

[ORS 342.721](#)

[ORS 342.723](#)

[ORS 342.726](#)

[ORS Chapter 475](#)

[ORS 657.176](#)

[OAR 581-022-0416](#)

[OAR 584-020-0040\(5\)\(e\)](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707 (2006); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 85.600 - 85.645 (2006).

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).