

**Policy GBEBA: DRUG-FREE WORKPLACE**

**Status:** DRAFT

**Original Adopted Date:** 12/16/1999 | **Last Revised Date:** 12/15/2005

**23D UPDATE EXPLANATION**

MSBA has revised this policy to specifically address employee use and possession of marijuana.

MSBA has maintained alignment of this policy with the language of the federal Drug-Free Workplace Act. This Act requires recipients of federal contracts and grants to have specific policy language and also requires these employers to provide employees with written notice of the requirements. MSBA's GBEBA-AF1 is a sample notice your district may use.

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## Definitions

**Controlled Substances** – Substances listed in schedules I, II, III, IV, and V of the federal Controlled Substances Act, 21 U.S.C. § 812. For the purposes of this policy, a controlled substance shall also include any controlled substance, counterfeit substance, or imitation controlled substance as defined in § 195.010, RSMo., and any chemical substances structurally similar to and treated as controlled substances under state law.

**District Activity** – Any activity, event, or function where students are under district supervision, such as field trips or athletic events.

**District Property** – Any property owned or leased by the district, including any vehicle owned, leased, or used for district purposes, and any location where a district-sponsored or approved activity takes place.

**Prohibited Substances** – For the purposes of this policy, a prohibited substance shall include:

1. Alcohol.
2. Controlled substances for which the employee does not have a valid prescription.
3. Unauthorized inhalants.
4. Counterfeit or imitation controlled substances.
5. Marijuana or marijuana-infused products.
6. Any other illegal drug.
7. Any drug or medicine prohibited on district property by law or policy.
8. Substances intended to create a false negative on a drug test.

## Prohibited Substances

Student and employee safety is of paramount concern to the board of education. In recognition of the threat to safety posed by employee use or possession of drugs or alcohol prohibited substances, the board of education commits itself to a continuing good-faith effort to maintain a drug-free workplace. The board of education shall not tolerate the manufacture, use, possession, sale, distribution or being under the influence of controlled substances, alcoholic beverages or unauthorized prescription medications by district employees on any district property; on any district-approved vehicle used to transport students to and from school or district activities; off district property at any district-sponsored or district-approved activity, event or function, such as a field trip or athletic event, where students are under the supervision of the school district; or during any period of time such employee is supervising students on behalf of the school district or is otherwise engaged in school district business. Therefore, the board prohibits employees from manufacturing, using, selling, transferring, distributing, possessing, or being under the influence of prohibited substances on district property; in any district-owned vehicle or any vehicle used to transport students; at district activities; or during any time employees are supervising students on behalf of the district or are otherwise engaged in district business. The board also prohibits the manufacture, use, sale, transfer, or possession of drug-related paraphernalia. When it is evident that an employee has consumed alcoholic beverages or controlled prohibited substances off school district property before or during a district activity that the employee is required to attend, the staff member employee will not be allowed on school district property or to participate in the activity and will be subject to the same disciplinary measures as for possession or consumption of prohibited substances on district property.

This policy shall be communicated in writing to all present and new employees. Compliance with this policy is mandatory.

### **Marijuana and Marijuana-Infused Products**

Marijuana is illegal under federal law and is considered a prohibited drug under this policy. This policy's prohibitions apply even if an employee has been authorized under state law to use marijuana or marijuana-infused products for medicinal or recreational purposes.

## Testing

Staff members will Employees may be tested for alcohol and controlled prohibited substances if the district has reasonable suspicion that the staff member has violated this policy. In addition, staff members who operate district transportation vehicles must submit to alcohol and drug testing as otherwise required by law. Additional drug testing may occur as allowed by law. All testing will be conducted in accordance with board policy, administrative procedures, and law.

## Consequences

Any e Employees who violates this policy will be subject to disciplinary action, which may include, but is not limited to, suspension, termination, and referral for prosecution, and referral for discipline of the employee's certification or license. Employees may be required to satisfactorily participate in substance use assistance or rehabilitation programs.

As required by federal law, if an employee is convicted of a criminal drug offense for a violation occurring in the workplace, the district will take appropriate personnel action, which may include discipline, termination, or requiring employee participation in a substance use or rehabilitation program. The district will take action within 30 days of notification of the conviction.

## District Notifications

Each district employee of this school district is hereby notified that, as a condition of employment, the employee must abide by the terms of this policy and notify the superintendent or designee of any criminal drug statute conviction for a violation occurring in or on the premises of this school district, or while engaged in regular employment. Such notification must be made by the employee to the superintendent or designee in writing no later than five calendar days after conviction. In accordance with policy GBEC, employees are required to notify the district if they are charged with any misdemeanor or felony.

## Notification to Federal Agency

If an employee is convicted of any criminal drug offense for a violation occurring in the workplace, the superintendent or designee will provide notice in writing of such violation to the United States Department of Education or other appropriate federal agency within ten calendar days after the superintendent or designee receives such notification. Notification will be made only if the district receives any federal grants directly from such agency, as opposed to federal grants received through the Department of Elementary and Secondary Education (DESE). The district will take appropriate disciplinary action within 30 days.

## Awareness Program

The district superintendent or designee will institute a drug-free awareness program to inform employees of the dangerous and harmful nature dangers of drug and alcohol abuse use and misuse in the workplace; of this policy of maintaining a drug-free workplace; of available counseling, and employee assistance, and rehabilitation programs; and of the penalties that may be imposed upon employees for drug abuse substance use violations occurring in the workplace.

## Professional Assistance

The board of education recognizes that encourages employees who have a drug abuse substance abuse problem should be encouraged to seek professional assistance. Although t The district will provide referrals to treatment resources upon employee request, but the district will not assume any financial responsibility., an employee who requests assistance shall be referred to a treatment facility or agency in the community if such facility or agency is available. Upon the request of DESE or an agency of the United States, the district shall certify that it has adopted and implemented the drug prevention program described in this policy. The district shall conduct a biennial review of this policy to determine its effectiveness, implement necessary changes and ensure that the disciplinary sanctions are consistently enforced. This policy shall be communicated in writing to all present and future employees. Compliance with this policy is mandatory.

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