

<b>Category:</b> <b>7000 PERSONNEL</b>	<b>Policy Number:</b> <b>7425 (Page 1 of 2)</b>
<b>Policy Title: EMPLOYEE DRUG AND ALCOHOL USE</b>	<b>Effective Date:</b> <b>August 15, 2018</b>

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.

**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.

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**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.

A signed statement acknowledging receipt and understanding of, and agreement to abide by, this policy will be placed in the employee’s personnel file.

**SCHOOL BUS DRIVERS**

The Snake River Board of Trustees shall follow the Department of Transportation's "The Omnibus Transportation Employee Testing Act of 1991." According to "The Act," all CDL license holders are subject to drug/alcohol testing. Following the initial pre-employment testing of all new drivers, bus drivers will be randomly tested for drugs and alcohol. Drivers refusing to take the test or who test positive will be denied employment or immediately dismissed.

**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. Notwithstanding the above paragraph, a district bus driver will be suspended from all duties pending investigation when reasonable suspicion exists that the driver may be under the influence of illegal drugs or alcohol. If a bus driver is found to have violated this policy, he or she will be immediately terminated from district employment and the incident will be reported to the State Department of Education. The board or designee will recommend license revocation to the Idaho Department of Transportation.
3. 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. §701 *et seq.*, as amended (the Drug-Free Workplace Act of 1988)
- Idaho Code Sections
  - 23-105
  - 23-1001
  - 23-1303
  - 33-513
  - 33-517
  - 37-270172-1701 *et seq.*

BLACK’S LAW DICTIONARY 10<sup>th</sup> Edition (2014)

**ADOPTED: 08/15/2018**

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ESTABLISHMENT OF A DRUG-FREE WORKPLACE

The District will comply with federal regulations by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace. An employee convicted of such violations will be subject to appropriate personnel action up to and including probation or termination;
2. Establishing a drug-free awareness program to inform employees about the dangers of drugs in the workplace, the District's policy of maintaining a drug free workplace, any available drug counseling program, and the penalties that may be imposed upon employees for drug abuse violation occurring in the workplace.
3. Notifying employees that as a condition of employment, employees will abide by the statement (#1 above) and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;
4. Notifying the agency within 10 days after receiving notice of any conviction (#3 above);
5. Within 30 days of any conviction of an employee for violating the conditions of the drug-free workplace, the District will take appropriate personnel action against the employee, including probation to termination with due process or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

**GENERAL DRUG TESTING PROCEDURES:**

1. A written record shall be made of the observations leading to a controlled substances test and signed by the supervisor or administrator who made the observations.
2. The employees will be furnished a copy of the Drug Free Workplace Substance Abuse Policy in advance of any drug or alcohol testing and will have the screening procedure explained to them.
3. Before any testing, an employee will be asked to sign an authorization for the tests which will release the results of the drug and alcohol test to the district.
4. Reasonable Suspicion Testing: This testing shall be conducted for any employee immediately upon notification whenever the Board, through the Superintendent/designee, suspects that there is a violation of the District Drug-Free Workplace Substance Abuse Policy. If the employee refuses to sign the release, refuses to be tested, or fails to show up for testing without a valid medical emergency, the employee should be advised that refusal under Board Policy is insubordination and subject to disciplinary action.
5. If the Superintendent/designee feels that the employee is in no condition to operate a vehicle, then the employee should be transported home. Under no circumstances should the employee be allowed to drive, and if the employee insists, they should be told that should they get in the vehicle, the police will be called and their location, license plate number, etc. will be reported.
6. In the event of positive results, the drug analysis will be reported to the superintendent/designee who will work out proper disciplinary procedures, if any, in accordance with Board policy and State law.
7. All tests will be administered by a licensed or certified drug testing agent.

**Confidentiality:**

Records that pertain to the District's employee-required substance screens are recognized to be private and sensitive records. They shall be maintained in a secure fashion to ensure confidentiality and privacy and be disclosed only by written consent of the individual, except that results may be released and relied upon by the District in any administrative or court action by the employee involving the drug test or any discipline resulting from a violation of this policy, or to the extent necessary to address any work-related safety risks occasioned by either the drug or alcohol use.

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ESTABLISHMENT OF NON-SMOKING POLICY IN STATE BUILDINGS

**WHEREAS**, there is need for a uniform state policy relating to smoking in state-owned and state-leased buildings; and

**WHEREAS**, it is the state's duty to protect the public health and safety, and to protect public buildings against fire damage and other related property damage; and

**WHEREAS**, the recent fire in the State Capitol has increased the awareness of the dangers and consequences of smoking;

**NOW, THEREFORE, I, CECIL D. ANDRUS**, Governor of the State of Idaho, have determined that a non-smoking policy in public buildings is a prudent one; therefore, I hereby direct that the following policy shall govern officers and employees of the State of Idaho;

All state-owned or state-leased buildings, facilities, or areas occupied by state employees shall henceforth be designated as "non-smoking" except for custodial care and full-time residential facilities. The policy governing custodial care and full-time residential facilities may be determined by the directors of such facilities.

**FURTHER**, I here encourage all employees in the State of Idaho to promote a non-smoking policy in all buildings occupied by state employees.

EXECUTIVE ORDER NO. 92-2