# ALCOHOL AND DRUG-FREE WORKPLACE 6.45*+ OPTION 3

I. No employee shall possess, consume or sell alcoholic beverages or be under the influence of alcohol on the job or in the workplace.

II. No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of, on the job or in the workplace, any narcotic, drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined in the Controlled Substances Act (21 USC 812) and as further defined by regulations at 21 CFR 1300 or Florida Statutes, Chapter 893, including but not limited to amphetamines(including methamphetamine), cannabinoids, cocaine, opiates, phencyclidine (PCP), and their metabolites without a valid prescription.

III. The appropriate use of legally prescribed drugs and nonprescription medication is not prohibited. However, it is the employee's responsibility to inform the physician of the employee's job duties and to ask the prescribing physician to determine whether or not the prescribed drug may impair the employee's job performance. To avoid unsafe workplace practices, if the use of a medication could compromise the safety of the employee, fellow employees, the students, or the public, it is the employee's responsibility to notify their supervisor and the supervisor must notify Human Resources, or the employee may notify their Human Resource office directly. It is the employee's responsibility to remove himself/herself from service if unfit for duty.

IV. An employee in a safety sensitive position must obtain a written release from the prescribing physician if he/she has prescribed any substance that carries a warning label indicating that mental functioning, motor skills or judgment may be adversely affected. The release must state that the employee is able to perform safety sensitive functions. The possession of a medical marijuana card does not allow for the possession, use, or storage of marijuana anywhere on District property. It remains unacceptable for any safety-sensitive employee, subject to random drug testing, to use marijuana. Cannabis (marijuana) consumption remains completely barred for District employees in roles where safety is a primary concern (safety sensitive positions), even with a medical marijuana card.

V. *Workplace* is defined as the site for the performance of work done in connection with the duties of an employee of the School Board. That term includes any place where the work of the School District is performed, including a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; or any off-school property during a school-sponsored or school-approved activity, event or function, such as a field trip, workshop or athletic event.

VI. As a condition of employment, each employee will

A. Abide by the terms of this policy, and

B. Present a negative drug screen result. The drug screen must have been conducted by a Board approved, independent, certified laboratory within thirty (30) days prior to employment.

C. Notify the Superintendent of any criminal drug statute arrest or conviction for a violation occurring on the premises of the School Board, at the workplace, or during the conduct of any official activity related to the School Board within forty-eight (48) hours. Identified employees must be in compliance with Policy 6.40, sections II and III.

VII. The School Board shall

A. Notify the appropriate agency within ten (10) days after receiving such notice from an employee or otherwise receiving actual notice of such conviction; and

B. Take one of the following actions, within thirty (30) days of receiving such notice, with respect to any employee who is so convicted:

1. Require such an 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; or

2. If the employee fails to participate satisfactorily in such program, the employee may be nonrenewed or his or her employment may be suspended or terminated, at the discretion of the School Board; or

3. Take appropriate personnel action against such an employee, up to and including termination.

C. Offer assistance and information on drug abuse in order to maintain an alcohol and a drug-free workplace. Employee assistance will be available through the personnel department and the Employee Assistance Program. The School Board shall also conduct periodic workshops on drug and alcohol abuse in the workplace to inform employees and supervisors of the dangers of substance abuse and of the provisions in this policy.

VIII. Drug and/or alcohol testing will be conducted for employees under the following circumstances:

A. An employee may be subject to drug testing based on a reasonable belief that he/she is using or has used drugs in violation of the Drug-free Workplace policy.

B. An employee may be subject to follow up testing at the recommendation of a substance abuse professional or medical review officer.

C. An employee shall be subject to a drug screen immediately following a work-related accident or injury.

D. An employee who is subject to the requirements of the Omnibus Transportation Employees Testing Act (OTETA) shall be subject to random drug testing, post accident drug testing and return to duty testing as required by federal law.

IX. The Superintendent shall develop procedures to implement the provisions of an alcohol and drug-free workplace.

**STATUTORY AUTHORITY:** **893.01, 1001.41, 1012.22, 1012.23, 1012.27, F.S.**

**LAW(S) IMPLEMENTED:** **440.102, 1001.41, 1001.43, 1012.795, F.S. DRUG FREE WORKPLACE ACT OF 1988, 34 CFR PART 85, SUBPART F**

**HISTORY:**

**ADOPTED: _____**
**REVISION DATE(S): _____**
**FORMERLY: NEW**