

Drug-Free Workplace

ESD 123 has an obligation to staff, students, and citizens to take reasonable steps to provide a reasonably safe workplace and to provide safety and high-quality performance for the students whom the staff serves.

"Workplace" is defined to mean the site for the performance of all work done in connection with ESD 123 programs and services. The "workplace" includes any ESD 123 building or any ESD 123 property; any ESD 123-owned vehicle or any other ESD 123-approved vehicle used to transport students to and from ESD 123 activities; and off ESD 123 properties during any ESD 123-sponsored or ESD 123-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of ESD 123, which could also include work on a federal grant.

Prohibited Behavior

To help maintain a drug-free program, community, and workplace, the following behaviors will not be tolerated:

1. Reporting to work or the workplace under the influence of alcohol, illegal and/or controlled substances including marijuana (cannabis), and anabolic steroids.
2. Using, possessing, or transmitting alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids, in any amount, in any manner (including vaping products), and at any time in the workplace.
3. Using ESD 123 property or the staff member's position within ESD 123 to make or traffic alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids.

Any staff member convicted of a crime attributable to the use, possession, or sale of illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids, will be subject to disciplinary action, including termination.

Notification Requirements

Any staff member who is taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of their job. If the use of medication could compromise the safety of the staff member, other staff members, students, or the public, it is the staff member's responsibility to use appropriate personnel procedures (e.g., use of leave, request a change of duty, or notify their supervisor of potential side effects) to avoid unsafe workplace practices. If a staff member notifies his/her supervisor that the use of medication could compromise the safe performance of their job, the supervisor, in conjunction with the ESD 123 Human Resources office, then will determine whether the staff member can remain at work and whether any work restrictions will be necessary.

As a condition of employment, each employee will notify their supervisor of a conviction under any criminal drug statute violation occurring in the workplace. Such notification will be provided no later than five (5) days after such conviction. ESD 123 will inform the federal granting agency within ten (10) days of such conviction, regardless of the source of the information.

Disciplinary Action

Each employee will be notified of ESD 123's policy and procedures regarding employee drug activity at work. Any staff member who violates any aspect of this policy will be subject to disciplinary action, which may include termination. As a condition of eligibility for reinstatement, an employee may be required to satisfactorily complete a drug rehabilitation or treatment program approved by ESD 123, at the

employee's expense. Nothing in this policy will be construed to guarantee reinstatement of any employee who violates this policy, nor does ESD 123 incur any financial obligation for treatment or rehabilitation ordered as a condition of eligibility for reinstatement.

ESD 123 may notify law enforcement agencies regarding a staff member's violation of this policy at ESD 123's discretion or take other actions as it deems appropriate.

First Reading: 10/28/2021

Second Reading: 11/16/21

Adoption: 11/16/21

Reference:

[RCW 28A.310.010 Purpose.](#)

[RCW 28A.310.180 ESD board—Compliance with rules and regulations—Depository and distribution center—Cooperative service programs, joint purchasing programs, and direct student service programs including pupil transportation.](#)

[RCW 69.50.435 Violations committed in or on certain public places or facilities—Additional penalty—Defenses—Construction—Definitions.](#)

[41 U.S.C. 8103 Drug-free workplace requirements for Federal grant recipients](#)

[21 U.S.C. 812 Schedules of controlled substances](#)

[20 U.S.C. 7101 General Provisions - 7117 Activities to support well-rounded educational opportunities](#)

Cross Reference:

[Policy 4215 - Use of Tobacco and Nicotine Products and Delivery Devices](#)

[Policy 5280 - Separation from Employment](#)