

EMPLOYEE USE OF DRUGS, ALCOHOL OR CONTROLLED SUBSTANCES

- 1.0 The District is concerned about the health, safety, well-being and satisfactory job performance of its employees. The use, abuse and/or dependency on alcohol and/or illegal drugs can seriously affect the health of employees, threaten their own safety and that of co-workers and students, and impair job performance.
 - 1.1 The manufacture, use, possession, sale, transfer or distribution of illegal drugs, or being in an impaired state caused by the use of illegal drugs, by any District employee while on the job or so as to affect job performance, is prohibited and grounds for disciplinary action up to and including termination.
 - 1.2 The consumption of alcoholic beverages while on the job is grounds for disciplinary action up to and including termination. Being in an impaired state while on the job, even if the consumption of alcoholic beverages took place outside of work hours or off school grounds, is grounds for disciplinary action up to and including termination.
 - 1.3 The possession of alcoholic beverages on school grounds, in or on District vehicles, or at any time while on duty, is grounds for disciplinary action up to and including termination. However, there is no violation of this policy for possession if the alcoholic beverages are : a) unopened; b) locked in an employee's personal vehicle; and c) not in plain view.
 - 1.4 "Illegal Drugs" shall be defined as narcotics, drugs, and controlled substances. This includes marijuana, even if legally purchased through retail establishments or prescribed. It does not include drugs for which there is a valid medical prescription in effect, or which are sold over the counter, when use of such drug is a) for the purpose for which it was prescribed or sold over the counter; b) at the dosage prescribed or authorized; and c) is consistent with the safe and efficient performance of the employee's duties.
 - 1.5 The phrase, "being in an impaired state," as used in this policy, is not intended to require legal intoxication and includes the inability to perform one's job in accordance with reasonable professional expectations, or demonstrating signs of alcohol consumption or illegal drug use identifiable to staff members, students, or stakeholders.
- 2.0 The District may require testing by an experienced, reputable laboratory for reasonable suspicion that one's use of alcohol or illegal drugs is affecting job-related performance. Any individual who tests positive for illegal drug use has the right to obtain a second test using the split-specimen from the original collection at his/her own expense. The request for the second test using the split-specimen collection must be made within three (3) business days of the positive result being reported to the District. Any employee who refuses to submit to such a test shall be subject to disciplinary action up to and including termination.
 - 2.1 Failure to cooperate immediately with any part of the testing process shall be treated as insubordination and a positive test, and subject to disciplinary action up to and including termination.

- 3.0 A conviction or the acceptance of a guilty plea or a plea of "no contest" with respect to a felony charge of unlawful manufacture, use, possession, sale, transfer or distribution of alcoholic beverages or illegal drugs, or participation in a pre-trial diversion program by any District employee concerning off duty conduct shall result in disciplinary action which may include employee termination. Pursuant to law, any employee who is convicted or pleads "no contest" under any criminal drug statute for a violation occurring in the workplace shall notify the Chief Human Resource Officer no later than five (5) days after the conviction. The District has an obligation under federal law to notify the appropriate federal agency within ten (10) days after receiving notice of a criminal drug statute conviction for violation occurring in the workplace.
- 4.0 In accordance with the federal "drug free workplace act," the District shall certify that each employee has received a copy of the District's policy concerning employee use of alcohol or illegal drugs.

LEGAL REFERENCES:

- 34 C.F.R. Part 86
- C.R.S. 22-63-301
- C.R.S. 22-63-302(II)(a)II
- C.R.S. 22-32-110.7
- C.R.S. 25-14-103.5

EXHIBIT
District Policy: 4210

EMPLOYEE ACKNOWLEDGEMENT FORM

EMPLOYEE USE OF DRUGS, ALCOHOL OR CONTROLLED SUBSTANCES

Adams 12 Five Star Schools

I have distributed a copy of the revised Employee Use of Drugs, Alcohol or Controlled Substances policy in connection with the Drug-Free Workplace Act to all employees.

Unit Administrator

(Please Print Name)

Date