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## **Drug Free Workplace**

### **I. AUTHORITY**

The Academy of Math, Engineering, and Science (AMES) Board of Trustees (“Board”) adopts this policy to implement the provisions of 41 USCA 702 et seq. Drug-Free Workplace, Utah Code Ann. §34-41 Drug Free Workplace Policies, Utah Code Ann. §26-38 Utah Indoor Clean Air Act and R277-217 Utah Professional Educator Standards.

### **II. PHILOSOPHY AND PURPOSE**

A. This purpose of this policy is to:

1. Provide a safe and productive work and educational environment free from the effects of the unlawful use, distribution, dispensing, manufacture, and possession of controlled substances, alcohol use, tobacco in any form, or electronic cigarette use during work hours or on school property;
2. Identify, prohibit and address the effects of controlled substances and alcohol abuse in the school environment and on the job; and
3. Assure the protection and safety of students and employees.

### **III. PROHIBITED ACTIONS**

- A. Employees and volunteers are prohibited from unlawfully manufacturing, dispensing, possessing, distributing, using, or being under the influence of any controlled substance or alcohol during working hours, on school property in a supervisory capacity, or while operating a vehicle while on duty, except where/when legally permissible.
- B. The use of tobacco or electronic cigarettes in any form is prohibited on or in school property or at school sponsored activities or events.
- C. No employee may report for work impaired or otherwise adversely affected in the employee’s job performance by any drug that is illegal or lawfully prescribed.
1. “Work” includes regular work hours, job assignments and an employee’s assigned supervision of students on or off school property and during and outside of work/contract hours.
  2. “Impaired” means under the influence of a substance such that the employee’s motor senses (e.g. sight, hearing, balance, reaction, reflex) or judgment either are or may be reasonably presumed to be affected.
  3. Consistent with requirements of Utah Code Ann. §26-61a-111, AMES will regard the legal use of cannabis by an authorized medical cannabis cardholder or an employee with a legitimate medical cannabis recommendation from a qualified medical provider as a prescribed controlled substance.

#### **IV. DRUG TESTING**

A. An employee or volunteer *may be required* to submit to medically accepted testing to determine whether the employee/volunteer is using a controlled substance or alcohol in violation of federal or state law, or school policy under the following circumstances:

1. when, during work hours, there is reasonable suspicion that an employee or volunteer is using or is impaired through the use of a controlled substance or alcohol unlawfully;
2. as a part of a post-accident investigation;
3. as a random test if the employee/volunteer is working or assigned in safety sensitive positions; or
4. as part of a rehabilitation program.

B. An employee or volunteer who refuses to submit to drug or alcohol testing, consistent with this policy or the law, may be subject to disciplinary action.

C. All controlled substance or alcohol testing shall be conducted by an independent laboratory certified for employment drug testing.

D. All initial controlled substance or alcohol tests with positive results shall require a confirmation test, as directed by the School.

E. A separate, private record of controlled substance and alcohol test results shall be maintained by the School Principal. An employee's official personnel file may only contain a document making reference to the existence of the controlled substance test record.

#### **V. SELF-REPORTING CONVICTIONS**

A. An employee who is convicted under a federal or state criminal statute which regulates manufacturing, distributing, dispensing, possessing, using a controlled substance, or being under the influence shall notify the employee's supervisor of the conviction within five (5) days of notice of the conviction.

B. In the case of a licensed employee, the Principal, shall notify the USBE/UPPAC within ten (10) days after receiving notification of the conviction.

#### **VI. DISCIPLINARY ACTION**

A. Corrective or disciplinary action may be taken against an employee or volunteer if:

1. there is a positive confirmation test for controlled substances in violation of the law or this Policy;
2. results of a confirmation test for alcohol show .05 percent or more body fluid content ;
3. the employee or volunteer's supervisor determines that the employee/volunteer is impaired while on contract time or supervising students, even when a confirmation test for alcohol shows less than .05 percent body fluid content; or
4. the employee's or volunteer's actions put others at physical risk, as determined by the School Principal.

B. The Principal will take appropriate action which may include, but is not limited to:

1. probation;
2. suspension with or without pay;
3. termination of employment or voluntary services; or
4. required participation in rehabilitation, treatment or counseling and education programs.

C. A volunteer may be prohibited from volunteering at AMES in any capacity due to a violation of the law or this Policy.

## **VII. REHABILITATIVE PROGRAMS**

A. An employee may be offered the option of participating in a rehabilitation program in lieu of disciplinary action. This option is at the Principal's discretion and at the employee's expense. If the employee accepts the offer to participate in such a program in lieu of disciplinary action, the following will apply:

1. An employee must use accrued personal leave (not sick leave) or leave without pay for in-patient treatment.

2. The employee must sign a release to allow the transmittal of verbal or written compliance reports between AMES and the rehabilitation program provider(s).

3. All communication between the employee/program and the School will be classified as private in accordance with the Government Records Access and Management Act ("GRAMA," Utah Code Ann. §63G-2).

B. An employee may be required to continue participation in an out-patient rehabilitation program prescribed by a licensed practitioner on the employee's own time and expense in order to maintain employment with AMES.

## **VIII. TRAINING**

AMES administration shall provide regular training to employees and volunteers related to this policy and the dangers and risks of controlled substance use in the workplace.