

300 PERSONNEL, continued

326 Drug-Free Workplace

The Board of Directors recognizes its responsibility to maintain a drug-free workplace. In recognition of that responsibility and in order to be in compliance with the Drug-Free Workplace Act of 1988, no employee shall manufacture, distribute, dispense, possess, or use on or in the workplace without a valid prescription any alcoholic beverage, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance.

300 PERSONNEL, continued

326 Drug-Free Workplace, continued

R326.1 Definitions

R326.1a "Workplace" is defined as the site for the performance of work done in connection with the ESD business, to include any ESD owned motor vehicle.

R326.1b "Controlled substance" means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined by regulation 21 CFR 1300.11 through 1300.15.

R326.1c "Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal alcoholic beverage or drug statutes.

300 PERSONNEL, continued

- 326 Drug-Free Workplace, continued
- R326.2 General Provisions
- R326.2a As a condition of employment, each employee shall abide by the terms of the ESD policy respecting a drug-free workplace.
- R326.2b As a condition of employment, each employee shall notify his/her supervisor of his/her conviction under any criminal alcoholic beverage or drug statute for a violation occurring in the workplace as defined above. Such notification shall be provided no later than five (5) days after such conviction.
- R326.2b1 If any ESD employee engaged in work in connection with a federal grant is convicted under any criminal drug statute for actions taken in the workplace, the ESD will notify the funding agency within ten (10) days of receiving notice of such conviction from the employee.
- R326.2b2 The ESD will impose sanctions on employees convicted for drug activity in the workplace within thirty (30) days of receiving notice by taking appropriate personnel action, up to and including discharge; or requiring the employee to satisfactorily participate in a drug/alcohol rehabilitation program approved for such purpose by a federal, state or local health, law enforcement or other appropriate agency.
- R326.2b3 As a condition of eligibility for reinstatement or continued employment, an employee may be required to satisfactorily complete a drug/alcohol rehabilitation or treatment program approved by the superintendent or his designee, at the employee's expense. Nothing in this policy shall be construed to guarantee reinstatement or continued employment of any employee who violates this policy, nor does the ESD incur any financial obligation for treatment or rehabilitation ordered as a condition of eligibility for reinstatement or continued employment.
- R326.2c Employees will be provided with a written statement that manufacture, distribution, dispensing, possession, or use without a valid prescription of any alcoholic beverage or controlled substance in the workplace is prohibited and that specific sanctions apply for violations.

300 PERSONNEL, continued

326 Drug-Free Workplace, continued

R326.2 General Provisions, continued

R326.2d The ESD will make available a drug-free awareness program that informs employees about the dangers of drug and alcohol abuse, the ESD's drug-free workplace policy, available Employee Assistance Program, and the penalties for drug/alcohol violation convictions.

R326.2e An employee who violates the terms of this policy may be suspended, discharged, or nonrenewed in accordance with the provisions of board policy and state law.