

# Regulation 0403-70

## Alcohol, Tobacco and Illicit Drug Use

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Personnel are prohibited from using, possessing, distributing, dispensing, or manufacturing illegal drugs, paraphernalia, tobacco products, vapes, or alcohol on any school premises or at any school activity. Such prohibition includes the distribution or dispensing of prescription medications by employees to a third party or a third party using or possessing the prescription medication of another.

Personnel are further prohibited from being under the influence of illegal drugs or alcohol (having consumed whether at the workplace or otherwise) on any school premises or at any school activity. The use of legal or prescribed drugs is permitted on any school premises or at any school activity only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

#### Definitions:

- Use: The use, possession or distribution of illegal drugs or the abusive use of other drugs, or the use of tobacco products, vapes or alcohol on any school premises, or District property during contract hours or at any school activity (see definition below).
- Possession: To have a tobacco product, vape, alcohol or other illegal drugs other than as prescribed to personnel by a medical doctor on the personnel's person or within an area of the employee's control including but not limited to car, locker, briefcase, backpack, and clothing at the workplace.
- Distribution: To share and/or sell alcohol or other drugs to other persons at the work place. This includes, but is not limited to, illegal drugs and alcohol but also the sharing of prescription medications with an individual(s) to whom the medication was not prescribed by a medical doctor.
- Illegal Drugs: Any controlled substances defined by Idaho Code Section 37-2701 or any other substance, including prescription drugs, which is used to alter or change the mood cognition, comprehension or functioning capacity of an individual, anabolic steroids, or any other performance enhancement drug. The term "illegal drugs" does not include over the counter drugs or drugs prescribed

by a doctor or dentist specifically for the person in possession of those drugs when used as prescribed.

- Under the influence: This definition covers not only all well-known and easily recognized conditions and degrees of intoxication but any abnormal mental or physical condition which is the result of indulging to any degree in alcohol, illegal drugs, or the abuse of prescribed drugs, and which tends to deprive one of that clarity of intellect and control of oneself which they would otherwise possess. This definition is not intended to represent the legal definition of a certain percentage of blood content or BAC, but rather is intended and interpreted in the layman's term.
- Alcohol: Any alcoholic beverage as defined by Idaho Code 23-105 and 23-1001.
- Alcohol Use: The use, possession or distribution of alcohol on any school premises or at any school activity or District property.
- Violations: The commission of an act of illegal drug use, abuse of a legally prescribed drug or alcohol use by a district employee. Positive evidence that the employee is involved in use, possession, or distribution of alcohol, tobacco products, vapes or other drugs. Having alcohol on one's breath is not appropriate in the workplace or at school-sponsored activities and will support evidence of use or being under the influence.
- District Property/dual-enrolled programs: Includes all buildings, facilities, and property owned or leased by or otherwise in use by the District, including school buses, other school vehicles, or the location of any school-sponsored activity or function whether an employee is supervising or attending on their personal time. In addition, District property is defined as any dual-enrollment or summer school setting.

## Disciplinary Action

Any personnel who violates the terms of the District's Alcohol, Tobacco and Illicit Drug Use administrative regulation may be subject to disciplinary action including, but not limited to, discharge/recommendation for discharge, administrative leave, and/or referral for drug and alcohol abuse evaluation and rehabilitation at the discretion of the Chief Human Resources Officer.

## First Offense

If personnel violate this policy, the personnel will be placed on Administrative Leave to allow for the District to conduct an appropriate investigation. Classified personnel shall be placed on Administrative Leave, Without Pay, for a minimum period of three (3) working days. Certificated personnel will be placed on Administrative Leave for the period of time that it takes to conduct an appropriate investigation. Certificated personnel's compensation status during such Administrative Leave shall be in accordance with Idaho Code.

A decision with regard to the termination of a classified personnel or a recommendation for termination of a certificated personnel will be left to the discretion of the Chief Human Resources Officer. Such a decision, in the sole discretion of the Chief Human Resources Officer, may be made regardless of the first or second offense provisions stated in this policy.

The District will support the Employee Assistance Program (EAP) in such a manner that assessment, counseling, and referral services are available for any/all personnel subject to a mandatory referral for a first violation of this policy. However, if the personnel does not qualify for the EAP because of waived benefits, they must, before returning to work, agree to have a drug and alcohol assessment provided at a state approved alcohol/drug agency in the community and conducted by a certified alcoholism/drug abuse counselor, at the personnel's expense. The employee must agree to follow the recommendations of the counselor and is responsible for providing the District notice of their activities in meeting these responsibilities as well as the recommendations; this notice will be confidential under HIPAA. If it is determined that the employee is not following the treatment recommendations, the employee will be terminated.

Inclusion of this provision in this policy does not mandate the Chief Human Resources Officer follow such option. If the Chief Human Resources Officer believes that a classified termination or a certificated recommendation for termination is appropriate, such shall be controlling over any argument associated with this policy and progressive discipline.

## Second Offense

Regardless of any actions or inaction taken with regard to a first offense, if personnel violate the policy for a second time, classified personnel shall be terminated by the Chief Human Resources Officer and certificated personnel will be recommended for termination to the Board pursuant to Idaho Code.

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