



**Responsible Office:** Office of Human Resources

## **BOARD POLICY 4214**

### **DRUG FREE WORKPLACE**

#### **PURPOSE**

The Board of Trustees (“Board”) is committed to protecting the safety, health and well-being of all employees and students of the Washoe County School District (“District”). The use and abuse of alcohol and controlled substances can pose a significant threat to the mission and goals of the District. A drug-free workplace program has been established that balances the District’s respect for individuals with the need to maintain an alcohol and drug-free environment.

#### **POLICY**

1. For the purposes of this policy, District property includes any building, owned or leased by the District, used for instruction, administration, support services, maintenance, parking lots or storage; the grounds and surrounding buildings; bus stops; and all District-owned, rented, and leased vehicles.
2. Guiding Principles
  - a. The District’s drug-free workplace policy is intended to apply to staff and volunteers who are representing or conducting business for the District. This policy applies while supervising students, on District property, and at District-sponsored events.
  - b. This policy is not intended to prohibit a member of the Board, an employee, or a volunteer from the legal use of alcohol and/or controlled substance(s) at a non-District-sponsored event (e.g. a community-sponsored event) or during non-work hours, particularly when no supervision of students is involved.
  - c. The District strives to honor the private medical decisions of staff members while ensuring a working environment which is free from disruption. Administration of prescription medications by staff on District property, or at a District/school-sponsored event shall be in accordance with this policy and any associated governing documents of the District, and state and federal laws and regulations.
    - i. The use of medical cannabis/marijuana or marijuana concentrate is prohibited on District property in accordance with federal law as the District is a recipient of federal funding.

- d. No employee shall report for work or work impaired by any substance that is legal or illegal. There is an expectation that staff and/or volunteers will plan for and allow enough time to pass between their legal use of a substance that may cause impairment and commencement of their official duties, supervision of students, presence on District property, or at District-sponsored events to ensure that they are not under the influence in any way.
  - i. "Impaired" means under the influence of a substance such that the individual's motor senses (i.e. sight, hearing, balance, reaction, reflex) or judgment either are or may be reasonably presumed to be affected.
  - ii. "Under the influence" refers to any level of consumption of alcohol or a controlled substance by an individual.
- e. A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. The Board, Superintendent, employees, and volunteers, all have important roles in maintaining a safe and healthy environment.
- f. Any individual who conducts business for the District, is applying for a position or is conducting business on District property is subject to this drug-free workplace policy.
- g. Treatment and intervention. The District believes that alcohol and/or drug misuse and abuse are often progressive disorders requiring support services or medical treatment. As a result, the District:
  - i. Encourages affected individuals to voluntarily seek medical help by providing access to and encouraging the use of an employee assistance program; and,
  - ii. Will assist supervisors in dealing with associated problems related to the employee's work performance.
- h. The District prohibits the marketing, display, or promotion of alcohol and/or controlled substances on District property, at school- or District-sanctioned or recognized activities and events, and/or in school- or District-sponsored publications, websites or social media.
  - i. Commercial advertisement of prohibited substances does not apply to the use of such advertisements by staff in a school program or activity on the harmful effects of alcohol and drugs.
  - ii. Commercial advertisement of prohibited substances shall not apply to magazines, newspapers and other publications having a general circulation in the community, state and/or nation which are purchased by the school or District for their educational value.

### 3. Guiding Practices

- a. The Superintendent shall establish regulations and procedures necessary to implement the provisions of this policy. This may include, but is not limited to, the areas of:
  - i. The prohibition against use, sale, distribution, or marketing of alcohol, controlled substances, or associated paraphernalia on District property or at school- or District-sponsored activities and events.
  - ii. The prohibition against the use of tobacco products, to include electronic delivery devices, on or within school property, to include athletic fields and parking lots, as well as within other District buildings and places of public use. This prohibition extends to District-owned, leased, and rented vehicles and school buses.
  - iii. Requirements for District employees who must maintain a Commercial Driver's License (CDL) as a condition of employment (e.g. school bus drivers) related to transportation and the use of controlled substances. This includes being aware that marijuana, to include medical marijuana, is an illegal substance under federal law.
  - iv. Communication of the drug-free workplace policy to all employees and volunteers.
- b. Engaging in any of the prohibited behaviors described in this policy or the associated regulations and procedures may result in disciplinary action in accordance with the progressive discipline procedures of the District.
- c. The District shall comply with all state and federal laws and regulations pertaining to the attainment and maintenance of an alcohol and drug-free workplace. This includes the requirements of the U.S. Department of Transportation and the Alcohol and Drug-Free Workplace, which is designed to reduce accidents that result from the use of alcohol and/or drugs, thereby reducing fatalities, injuries and property damage.

### **DEFINITIONS**

1. "Work site" means any building or property (including parking lots) owned or operated by the District, or any other site at which an employee performs work for the District.
2. "Possess" means to have a drug or drugs either in or on a person, personal effects, motor vehicle, tools, and areas entrusted to the person such as desks, files and District vehicles.
3. "Controlled substance" includes but is not limited to any drug listed in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United

States, or official National Formulary, or Nevada state law including but not limited to: narcotics, depressants, stimulants, hallucinogenic or mind-altering drugs or substances, amphetamines, barbiturates, cannabis/marijuana, marijuana concentrate, anabolic steroids (drugs commonly known or referred to as: acid, LSD, speed, Quaaludes, valium, cocaine, crack, PCP, ice, and other names), and any other controlled substances as defined in state or federal law, or any prescription or nonprescription drug, medicine, vitamin or other chemical substance not taken in accordance with the District's policy, regulations, or procedures. Controlled substance also includes:

- a. A prescription drug or medication that is not listed as a Controlled Substance under the Uniform Controlled Substances act, which has not been lawfully prescribed for the individual possessing or using the medication. This includes, but is not limited to, a counterfeit controlled substance and any chemical compound that will induce a condition of intoxication when inhaled for that purpose.
  - b. A counterfeit controlled substance;
  - c. Controlled substances presented in alternative forms such as edibles, patches, oils, etc.
  - d. An imitation substance that an individual believes to be a controlled substance or that is represented to be such by the individual, and/or imitation, synthetic or designer drugs that are used as substitutes or imitations for controlled substances (this includes synthetic cannabinoids or salvia divinorum).
  - e. A chemical compound or substance used to induce a condition of intoxication when inhaled or digested for that purpose. This includes, but is not limited to, household or office products such as aerosol products or liquid correction tape ("white out").
4. "Alcohol" includes but is not limited to beer, wine, wine cooler, liquor, liqueur, mixed alcoholic beverages, fermented malt beverages or malt, vinous, spirituous liquors or any product, including "non-alcoholic" beer, containing an alcohol content greater than zero;
  5. "Drug paraphernalia" refers to all equipment, products and materials of any kind that are used to facilitate or are intended or designed to facilitate, violations of this policy, including planting, growing, producing, processing, testing, analyzing, packaging, containing, injecting, and/or inhaling controlled substances. (NRS 453.554)
  6. "Possession" refers to having the power or intent to control a prohibited substance and shall include, but is not necessarily limited to, the possession of a prohibited substance in a student's automobile, locker, book bag or desk, or on a student's person on school property or at any school-sponsored activity.

7. "Use" refers to the consumption, injection, inhalation or absorption of a prohibited substance into a student's body by any means during normal school hours (including extra-curricular activities)

### **DESIRED OUTCOMES**

1. Through this policy, the Board of Trustees:
  - a. seeks to send a clear message that the use of alcohol and drugs in the workplace is prohibited;
  - b. encourages employees and volunteers to voluntarily seek help with alcohol and drug problems;
  - c. Supports a focus on providing resources, referrals, and assistance to staff related to substance use by promoting a drug-free workplace; and
  - d. Strengthens compliance with state and federal laws related to drug and alcohol free schools.

### **IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS**

1. This Policy reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
  - a. Board Policy 4505, Standards of Professional Conduct, and any accompanying documents
  - b. Board Policy 1500, Volunteers
  - c. Board Policy 1505, Visitors to District Property
  - d. Board Policy 5250, Alcohol, Tobacco, and Controlled Substances – Student Prevention and Intervention
  - e. Board Policy 7500, Transportation of Students
  - f. Board Policy 7505, Use of District Vehicles
  - g. Administrative Regulation 1332, Alcohol, Tobacco and Controlled Substances Prohibited
  - h. Administrative Regulation 4160, Mandatory Self-Reporting by Staff: Charge, Arrest or Conviction of a Crime
2. This policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:
  - a. Chapter 202, Crimes Against Public Health and Safety
  - b. Chapter 391, Personnel, and specifically
    - i. NRS 391.31297, Grounds for suspension, demotion, dismissal and refusal to reemploy teachers and administrators; ...

- c. Chapter 392, Pupils, and specifically
    - i. NRS 392.463, Adoption of plan to ensure public schools are safe and free of controlled substances;
  - d. Chapter 453, Controlled Substances
3. This policy complies with federal laws and regulations, to include:
- a. Title 49, Transportation, Part 382, Controlled substances and alcohol use and testing, through the U.S. Department of Transportation's Federal Motor Carrier Safety Administration.
  - b. Title 49, Transportation, Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.
  - c. Drug-Free Workplace Act of 1988

### **REVIEW AND REPORTING**

1. This document shall be reviewed as part of the bi-annual review and reporting process, following each regular session of the Nevada Legislature. The Board shall receive notification of any required changes to the policy.
2. Administrative regulations, and/or other associated documents, will be developed as necessary to implement this policy. The Board shall receive notification of the adoption and/or revision of any implementing administrative regulations.

### **REVISION HISTORY**

Date	Revision	Modification
4/11/1967	1.0	Adopted as Alcohol and Drug Testing (commercial drivers)
10/27/1992	2.0	Revised
2/28/1995	3.0	Revised
7/14/1998	4.0	Revised
4/13/1999	5.0	Revised
12/08/2015	6.0	Revised: name changed to Drug Free Workplace
4/9/2019	7.0	Revised: clarifies rules related to being impaired, marijuana use, etc.