

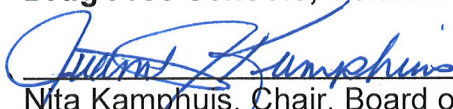
WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS & HEARING LOSS

POLICY: 5201

Adopted: April 13, 2012

SUBJECT: **Drug Free Schools, Community and Workplace**

Approved by:


Nita Kamphuis, Chair, Board of Trustees

The board has an obligation to staff, students and citizens to take reasonable steps to assure safety in the workplace and to provide safety and high quality performance for the students that the staff serves.

“Workplace” is defined to mean the site for the performance of work done in connection with a federal grant or for which the Washington State Center for Childhood Deafness & Hearing Loss (herein referred to as “agency”) provides compensation. That includes any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the agency/ Washington School for the Deaf (WSD) or where work on a federal grant or other agency work is performed.

For these purposes, the board declares that the following behaviors will not be tolerated:

- Reporting to work under the influence of alcohol, illegal chemical substances or opiates.
- Using, possessing, transmitting alcohol, illegal chemical substances (including anabolic steroids) or opiates in any amount or in any manner on agency property at any time. Any staff member convicted of a felony attributable to the use, possession, or sale of illegal chemical substances or opiates will be subject to disciplinary action, including immediate termination.
- Using agency property or the staff member's position within the agency to make or traffic in alcohol, illegal chemical substances or opiates.
- Using, possessing or transmitting illegal chemical substance and opiates in a manner which is detrimental to the interest of the agency.

Any staff member who is taking a drug or medication whether or not prescribed by the staff member's physician, who may adversely affect that staff member's ability to perform work in a safe or productive manner is required to report such use of medication to their supervisor. This includes drugs, which are known or advertised

as possibly affecting judgment, coordination, or any of the senses, including those, which may cause drowsiness or dizziness. The supervisor in conjunction with Human Resources Manager will then determine whether the staff member can remain at work and whether any work restrictions will be necessary.

As a condition of employment, each employee shall notify the supervisor of a conviction under any criminal drug statute violation occurring in the workplace as defined above. Such notification shall be provided no later than 5 days after such conviction. Upon receiving notice of an employee's conviction of a criminal drug statute occurring in the workplace, the employer must provide written notices within 10 calendar days to the appropriate person or office in the Federal agency from which he or she receives a contract or grant. The notice must include the convicted employee's position title and grant or contract identification number. The employer must notify the appropriate Federal contact regardless of how he or she is informed of the employee's conviction (i.e., by the employee, a co-worker, the newspaper, etc.)

Each employee shall be notified of the agency's policy regarding employee drug activity at work. Any staff member who violates any aspect of this policy may be subject to disciplinary action, which may include immediate discharge. As a condition of eligibility for reinstatement, an employee may be required to satisfactorily complete a drug rehabilitation or treatment program at the employee's expense. Nothing in this policy shall be construed to guarantee reinstatement of any employee who violates this policy, nor does the agency incur any financial obligation for treatment or rehabilitation ordered as a condition of eligibility for reinstatement.

Other actions such as notification of law enforcement agencies may be taken in regard to a staff member violating this policy at the agency's discretion as it deems appropriate.

As a condition of employment, each employee shall notify the supervisor of a conviction under any criminal drug statute violation occurring in the workplace as defined above. 34 C.F.R. § 84.205(c)(2). Such notification shall be provided no later than 5 days after such conviction. Id. Upon receiving notice of an employee's conviction of a criminal drug statute occurring in the workplace, the employer must provide written notices within 10 calendar days to the appropriate person or office in the Federal agency from which he or she receives a contract or grant. 34 C.F.R. § 84.225. The notice must include the convicted employee's position title and grant or contract identification number. Id. The employer must notify the appropriate Federal contact regardless of how he or she is informed of the employee's conviction (i.e., by the employee, a co-worker, the newspaper, etc.) Id.

Legal References:

41 USC § 701-707	Drug Free Workplace Act of 1988 and as amended in 1989
20 USC § 7101-7118	Safe and Drug-Free Schools and Communities Act
21 USC § 801	Controlled Substance Act
RCW 69.50.435	Violations committed in school or on a school bus or in/or near school grounds or school bus route stop.
34 CFR § 84.205	What must I include in my drug-free workplace statement?
34 CFR § 84.225	What actions must I take concerning employees who are convicted of drug violations in the workplace?