



Title: **Alcohol/Drug-Free Workplace**

Code: GBEC

Section: Section G: Personnel Policies

The District recognizes the importance of maintaining a workplace that is free from alcohol and drugs to enhance the safety and welfare of staff members and students and ensure compliance with applicable law. Accordingly, it shall be a violation of District policy for any District staff member to possess, use, or be under the influence of alcohol or illicit drugs on District property, in District vehicles, at any school-sponsored or District-sponsored activity or event, or off District property when the staff member is on duty.

For purposes of this policy, "illicit drugs" means narcotics, drugs, and controlled substances as defined in law. Although some actions involving marijuana are no longer prohibited by state law, federal law still prohibits the manufacture, sale, distribution, possession, and use of marijuana. As a recipient of federal funds, the District has an obligation to maintain a drug-free workplace. Thus, marijuana is an illicit drug for purposes of this policy. "Illicit drugs" also includes any prescription or over-the-counter drug that does not meet the following four criteria: (1) the staff member has a current and valid prescription for the drug or the drug is sold over-the-counter; (2) the drug is used or possessed for the purpose for which it was prescribed or sold over-the-counter; (3) the drug is used or possessed at the dosage prescribed or recommended; and (4) the drug is used or possessed consistent with the safe and efficient performance of the staff member's job duties.

Staff members shall not report for duty, remain on duty during work time, be on District premises, be at other work sites where staff members may be assigned, or be on duty at a District-sponsored activity while under the influence of or in possession of alcohol or illicit drugs. This policy also applies to the operation of any District-owned vehicle or equipment. This also applies to staff members operating a private or leased vehicle or equipment for school or District purposes.

A violation of this policy shall subject the staff member to appropriate disciplinary action that may include, but is not limited to, suspension, termination of employment, and referral for prosecution. Disciplinary action will be taken in accordance with applicable District policies, procedures, and state and federal laws. In appropriate circumstances, disciplinary actions may include the completion of a treatment plan at the staff member's expense and as approved by the Assistant Superintendent for Human Resources.

The superintendent shall implement a drug and alcohol prevention program to inform staff members about:

1. The dangers of drug and alcohol abuse;
2. The provisions of this policy;
3. Available drug and alcohol counseling, rehabilitation, and staff assistance programs;
4. Penalties that may be imposed upon staff members for drug or alcohol possession, use or abuse in violation of this policy.

Drug-Free Workplace Act

Under the federal Drug-Free Workplace Act (the Act), the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in any district workplace. The Act defines "controlled substance" as a controlled substance in schedules I through IV of 21 U.S.C. section 812, which includes but is not limited to marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamine).

Pursuant to the Act, any staff member who is convicted or pleads nolo contendere under any criminal drug statute for a violation occurring in the workplace shall notify the superintendent or designee immediately after the conviction or entry of the plea. The superintendent shall notify the Board of Education. The District has an obligation under federal law to notify the appropriate federal agency within ten days after receiving notice of such conviction or plea if there is a relationship between federal funds received by the District and the convicted staff member's work site.

The District administration shall conduct a review of its drug and alcohol abuse prevention program to determine its effectiveness, to implement required changes, and to ensure that disciplinary sanctions are promptly and consistently enforced.

Notification to Staff Members

Information about the standards of conduct required by this policy shall be communicated to staff members. All staff members shall acknowledge receipt of this policy and related information.

Adopted/Approved: June 15, 1995

Revised: June 21, 2001

December 18, 2006

June 30, 2009

March 31, 2010

July 1, 2017

July 1, 2019

July 1, 2023

Legal Refs:

20 U.S.C. § 7101 et seq. (Safe and Drug-Free Schools and Communities Act)

34 C.F.R. Part 84 (regulations implementing Drug-Free Workplace Act)

21 U.S.C. § 812 (definition of "controlled substance")

41 U.S.C. §§ 8101 and 8102 (Drug-Free Workplace Act of 1988)

C.R.S. § 22-32-110(1)(k) (to adopt policies . . . related to . . . employees of the district)

Colo. Const. Art. XVIII, Section 16(6) (employers may restrict marijuana use, possession, sale, etc. by employees)

C.R.S. 18-18-407(2) (crime to sell, distribute or possess any controlled substance on or near school grounds or school vehicles)

C.R.S. 25-1.5-106(12)(b) (possession or use of medical marijuana in or on school grounds or in a school bus is prohibited)

C.R.S. 25-14-103.5 (boards of education must adopt policies prohibiting use of retail marijuana on school property)

Cross Refs:

GBEB – Staff Conduct and Responsibilities

GBECA – Controlled Substance and Alcohol Testing of Staff Members Required to Hold a Commercial Driver's License

GCQF – Discipline, Suspension, and Dismissal of Licensed Staff and Contract Non-Renewal

GDQD – Discipline, Suspension, and Dismissal of Classified Staff

EL 2.0 Global Executive Constraint

EL 2.3 Treatment of Staff

EL 2.7 Employment, Compensation and Benefits

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