Employee Drug Policy

Board Policy—

The Board recognizes that the unlawful use, possession, distribution, or sale of alcohol, narcotics, or other dangerous drugs is illegal according to federal and Utah law and constitutes a hazard to students. The Board encourages the development and implementation of programs which will provide information on the harmful effects and aid in the prevention of drug and alcohol abuse. The Board supports programs that coordinate school and parent cooperation in attempting to prevent problems of drug abuse and support programs that assist parents in seeking outside professional help from public and private educational and rehabilitative programs. The Board delegates to the Administration responsibility for providing educational prevention programs, procedures for violations, support for employees, students and their families in all efforts of drug and alcohol prevention.

Administrative Policy—

The Administration recognizes the need to reduce the risk of use and the abuse of illegal substances among employees. Therefore, the use or possession of alcohol or illegal drugs, counterfeit substances, and all associated paraphernalia is prohibited at any school district location (as defined in this policy).

Utah Code § 58-37-102 et seq.

Employee Drug Policy—

No employee shall distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor or unlawfully manufacture, distribute, dispense, possess or use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance, as defined in the Utah Controlled Substances Act, schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812) and as further defined by regulation at 21 CFR § 1300.01 through 1300.05, before, during or after school hours at school or in any other school district location as defined below.

Utah Code § 58-37-102 et seq. 41 U.S.C. § 8103(a)(1) 29 CFR § 94.205(a) 34 CFR § 84.205(a)

Marijuana and Cannabis—

This policy applies to narcotics, drugs and controlled substances as defined in law. Although some actions involving medical marijuana are no longer prohibited under Utah law, federal law still prohibits the manufacture, sale, distribution, and use of marijuana and conditions receipt of federal education funding on maintaining a

drug-free workplace. As a recipient of federal funds, the district has an obligation to maintain a drug-free workplace. Thus, marijuana possession, sale, distribution, and

use in the workplace is prohibited under this policy. However, an employee who has a valid medical cannabis card is not subject to retaliatory action for failing a drug test due to marijuana or tetrahydrocannabinol unless there is evidence that the employee was impaired or otherwise adversely affected in the employee's job performance due to the use of medical cannabis. ("Retaliatory action" means dismissal, reduction of compensation, failing to increase compensation by an amount the employee is otherwise entitled to or was promised, failure to promote the employee if the employee would otherwise have been promoted, or threatening any of these actions.) This limitation on adverse employment action does not apply in any circumstance when it would jeopardize federal funding.

29 CFR § 94.205(a) 34 CFR § 84.205(a)

Utah Code § 26B-4-207(2) (2023)

School District Location Defined—

"School district location" means in any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at 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 school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.

Notification of Conviction—

As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on school district federal grant is performed, no later than five (5) calendar days after such conviction.

41 U.S.C. § 8103(a)(1)(D) 29 CFR § 94.205(c) 34 CFR § 84.205(c)

Actions Upon Conviction for Drug Offense in the Workplace—

Upon receipt of notice that an employee working under a federal grant has been convicted of a criminal drug offense in the workplace, the District shall: 1. Within 10 calendar days of learning of the conviction, send written notice to each federal

agency on whose award the employee was working. This notice shall include the identification number of each award and the employee's position title. 2. Within 30 calendar days of learning of the conviction, either take appropriate personnel

action against the employee (up to and including termination) or require the employee to satisfactorialy participate in an approved drug abuse assistance or rehabilitation program. *41 U.S.C. § 8104 29 CFR § 94.225 34 CFR § 84.225*