



Book	Policy Manual
Section	Ready for the Board
Title	Copy of DRUG-FREE WORKPLACE
Code	po4122.01
Status	
Legal	41 U.S.C. 701, et seq., Drug-Free Workplace Act of 1988, 20 U.S.C. 3224A
Adopted	January 22, 2015
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#### 4122.01 - **DRUG-FREE WORKPLACE**

The Board of Education believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which meets the requirements in the Drug-Free Workplace Act.

In compliance with the Act, the Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol, by any member of the County School System's service personnel at any time while on School System property or while involved in any school or Board-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action, up to and including termination, and/or may be required to satisfactorily participate in a drug rehabilitation or assistance program in accordance with Board of Education guidelines and applicable State law.

Drug testing may be required if there is reasonable suspicion of an employee's drug usage. If drug testing is required, it will be performed by a reputable laboratory that will maintain confidentiality of results.

As a condition of employment with the Jackson County Board of Education, employees shall:

- A. abide by the terms of this policy;
- B. notify their supervisor or principal of any criminal drug statute conviction for a violation occurring in the workplace, no later than five (5) days after such conviction; and
- C. sign the "Drug-Free Workplace Verification Statement".

The Superintendent shall establish programs and procedures necessary to meet the Federal certification requirements.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, or any drug paraphernalia as the term is defined by law, by any member of the County's service personnel at any time while on County property or while involved in any school or Board-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action, up to and including termination, and/or may be required to satisfactorily participate in a drug rehabilitation or assistance program in accordance with Board of Education guidelines and applicable State law.

Consistent with WV Code §16A-15-4, an employee shall not be subject to discipline based solely upon the following:

- A. the employee has been issued a medical cannabis identification card by the West Virginia Department of Health and Human Resources, Bureau for Public Health, pursuant to the Medical Cannabis Act, WV Code 16A-1-1, et seq.;

and/or

- B. the employee has been issued a physician certification to use medical cannabis as part of the treatment of a serious medical condition as that term is defined by WV Code 16A-2-1(a)(3); and/or
- C. the employee has been issued a caregiver's identification card issued by the West Virginia Department of Health and Human Resources, Bureau for Public Health, pursuant to the Medical Cannabis Act, WV Code 16A-1-1, et seq.

Employees are prohibited from using, possessing, being under the influence of, and/or storing medical cannabis in the workplace.

This policy is not intended to prohibit the lawful use of medical cannabis by employees outside of the workplace, provided that when the employee returns to or is otherwise in the workplace, the employee is not under the influence of medical cannabis. An employee may be considered under the influence of medical cannabis when the employee manifests specific symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's position. Such symptoms may include, but are not limited to, impairment of speech, physical dexterity, agility, coordination, demeanor, and/or behavior.

Employees whose positions are subject to United States Department of Transportation drug testing requirements, such as school bus operators, are prohibited from using medical cannabis at any time inasmuch as applicable Federal regulations do not authorize medical cannabis permitted under state law to be a valid medical explanation for an employee's positive drug test result.

Because cannabis and/or marijuana is a controlled substance under Federal law, any employee who carries, possesses, or transports a firearm or ammunition, as authorized and while performing the duties of the employee's position, is prohibited from using medical cannabis at any time pursuant to Federal gun law requirements.

The Board shall require every employee to sign a copy of a Drug-Free Workplace Verification Statement which states that the employee is aware of the policy and shall comply with the terms of the policy.

An employee shall notify their supervisor or department head of any criminal drug statute conviction or alcohol violation occurring in the workplace or conviction outside of the workplace, no later than five (5) days after such violation or conviction occurs.

The Superintendent shall establish guidelines that ensure compliance with this policy and that each staff member is given a copy of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff and informed that compliance with this requirement is mandatory. Such guidelines shall provide for appropriate disciplinary actions.

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