

Policy M 418 Drug-Free Workplace

Copied from 418 MSBA Model Policy Manual, Drug-free Workplace Policy

Note: Districts/MN service cooperatives are required by statute to have a policy addressing these issues.

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for employees by prohibiting the use of alcohol, toxic substances, medical cannabis, and controlled substances without a physician's prescription.

II. GENERAL STATEMENT OF POLICY

- A.** Use or possession of controlled substances, toxic substances, medical cannabis, and alcohol in any BrightWorks location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B.** A violation of this policy occurs when any employee or member of the public uses or possesses alcohol, toxic substances, controlled substances, or medical cannabis in any BrightWorks location.
- C.** BrightWorks will act to enforce this policy and to discipline or take appropriate action against any employee or member of the public who violates this policy.

III. DEFINITIONS

- A.** "Alcohol" includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.
- B.** "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues and look-alike drugs.
- C.** "Medical cannabis" means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; or (4) any other method, excluding smoking, approved by the commissioner.

- D. “Toxic substances” includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.
- E. “Use” includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.
- F. “Possess” means to have on one’s person, in one’s effects, or in an area subject to one’s control.

IV. EXCEPTIONS

- A. A violation of this policy does not occur when a person brings onto a BrightWorks Location, for such person’s own use, a controlled substance, except medical cannabis, which has a currently accepted medical use in treatment in the United States and the person has a physician’s prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a BrightWorks location when the possession is within the exceptions of Minn. Stat. § 624.701,

Procedures and Practices

- A. Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.
- B. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.

[Note: The Drug-Free Workplace Act requires that school district/MN service cooperative employees be notified by a published statement of the prohibition of the use of controlled substances and actions that will be taken against employees for violations of such prohibition. 41 U.S.C. § 8103; 34 C.F.R. Part 84. An acknowledgment will document satisfaction by Metro ECSU of this federal requirement.]



- C. Members of the public are not permitted to possess controlled substances at BrightWorks except with the express permission of the executive director.
- D. Possession of alcohol at BrightWorks pursuant to the exceptions of Minn. Stat. § 624.701, Subd. 1a, shall be by permission of the executive board only. The applicant shall apply for permission in writing and shall follow BrightWorks' procedures for placing an item on the agenda.

V. ENFORCEMENT

A. Employees

1. 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 a school district federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
2. As a condition of employment, the employee will notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.
3. Employees are discouraged from consuming alcoholic beverages during lunch or dinner meals when returning immediately thereafter to perform work on behalf of BrightWorks.
4. An employee who violates the terms of this policy is subject to disciplinary action, including termination, or discharge as deemed appropriate by the executive board.
5. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by BrightWorks. Any employee who fails to satisfactorily participate in and complete such a program is subject to termination as deemed appropriate by the executive board.



6. Sanctions against employees termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and BrightWorks policies.

B. The Public

A member of the public who violates this policy shall be informed of the policy and asked to leave. If necessary, law enforcement officials will be notified and asked to provide an escort.