



Book	Policy Manual
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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

~~Option 1 (needed only if Federal funds come directly from Washington)~~

~~(-) 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'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.~~

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

~~[END OF OPTION #1]~~

Option 2 (applies to most schools)

(x) is not tainted by the use or evidence of use of any controlled substance.

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.

[END OF OPTION 2]

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.

[END OF OPTION #2]

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Legal

41 U.S.C. 701, et seq., Drug-Free Workplace Act of 1988 20 U.S.C. 3224A